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WALTER G. HART.

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Dr. WALTER GRAY HART BEQUEST

THE LAW REPORTS

1932

THE
PUBLIC GENERAL ACTS

Passed in
The Twenty-second and Twenty-third Years of the
Reign of His Majesty

King George the Fifth

And the

Church Assembly Measure

Which received the Royal Assent during that Session
with
Tables of the Titles,
Effect of Legislation, Index, and
Index to the Local and Private Acts
passed during the Session

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W. Hart

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TABLE I.

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TABLE
OF
THE TITLES OF THE PUBLIC GENERAL ACTS

Passed in the First Session of the Thirty-Sixth Parliament of the United Kingdom of Great Britain and Northern Ireland.

(November 3, 1931—November 17, 1932.)

22 & 23 GEORGE 5.—A.D. 1931–32.

Royal Assent, November 20th, 1931.

1. An Act to make provision for the imposition of duties of Customs on articles wholly or mainly manufactured which are being imported into the United Kingdom in abnormal quantities, and for purposes connected therewith. (*Abnormal Importations* (*Customs Duties*).)

Royal Assent, December 1st, 1931.

2. An Act to deal with certain Expiring Laws by making some of them permanent and continuing the remainder for limited periods. (*Expiring Laws.*)

Royal Assent, December 11th, 1931.

3. An Act to make provision for the imposition of duties of Customs on certain descriptions of fresh fruit, fresh vegetables, flowers, bulbs, plants and foliage, and for purposes connected therewith. (*Horticultural Products* (*Emergency Customs Duties*).)

4. An Act to give effect to certain resolutions passed by Imperial Conferences held in the years 1926 and 1930. (*Statute of Westminster.*)

5. An Act to extend by three years the period during which the powers of the Commissioners appointed under the Educational Endowments (Scotland) Act, 1928, may be exercised, and for purposes incidental to such extension. (*Educational Endowments* (*Scotland*).)

6. An Act to amend subsection (3) of section three of the National Health Insurance Act, 1924, and to make financial provision in connection with such amendment. (*National Health Insurance* (*Prolongation of Insurance*).)

7. An Act to authorise the making of temporary abatements from the pay of persons in the service of the Crown in India notwithstanding subsisting statutory rights. (*Indian Pay* (*Temporary Abatements*).)

ROYAL ASSENT, FEBRUARY 29TH, 1932.

8. An Act to provide for the imposition of a general ad valorem duty of customs and of additional duties on any goods chargeable with the duty aforesaid, for the imposition of duties on goods produced or manufactured in a foreign country which discriminates in the matter of importation as against goods produced or manufactured in the United Kingdom, in certain other parts of His Majesty's dominions, in protectorates or in mandated territories, and for purposes connected with the matters aforesaid. (*Import Duties*.)

ROYAL ASSENT, MARCH 17TH, 1932.

9. An Act to give effect to an International Convention for the Safety of Life at Sea, signed in London on the thirty-first day of May, nineteen hundred and twenty-nine, to give effect to an International Load Line Convention signed in London on the fifth day of July, nineteen hundred and thirty, and to amend the provisions of the Merchant Shipping Acts, 1894 to 1928, relating to passenger steamers, life-saving appliances, wireless telegraphy, load lines, timber cargoes, and other matters affected by the said Conventions. (*Merchant Shipping* (*Safety and Load Line Conventions*).)

10. An Act to confirm and give effect to a certain agreement made between His Majesty's Government in the United Kingdom and His Majesty's Government in the Irish Free State with respect to the registration and control of veterinary surgeons. (*Veterinary Surgeons* (*Irish Free State Agreement*).)

11. An Act to make miscellaneous amendments in the law applicable to Northern Ireland. (*Northern Ireland* (*Miscellaneous Provisions*).)

12. An Act to make provision for prohibiting or controlling the importation into and the keeping within Great Britain of destructive non-indigenous animals, for exterminating any such animals which may be at large and for purposes connected with the matters aforesaid. (*Destructive Imported Animals.*)

13. An Act to continue in force certain enactments passed in connection with the financial emergency which arose in the year nineteen hundred and thirty-one. (*Financial Emergency Enactments* (*Continuance*).)

ROYAL ASSENT, MARCH 24TH, 1932.

14. An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two and one thousand nine hundred and thirty-three. (*Consolidated Fund* (*No.* 1).)

15. An Act to amend the Dangerous Drugs Acts, 1920 to 1925, so far as is necessary to enable effect to be given to a Convention signed at Geneva on behalf of His Majesty on the thirteenth day of July, nineteen hundred and thirty-one, and to make provision for the extension of those Acts to drugs capable of being converted into dangerous drugs. (*Dangerous Drugs.*)

16. An Act to amend the Law with respect to Customs in the Isle of Man. (*Isle of Man* (*Customs*).)

17. An Act to authorise the Treasury to guarantee a loan to be raised by the Government of Tanganyika, to authorise a loan to the Government of British Honduras, and to authorise the making of advances out of moneys provided by Parliament for the payment of the annual or half-yearly charges in respect of the said loans for a limited period. (*Tanganyika and British Honduras Loans.*)

18. An Act to extend the duration of certain temporary provisions contained in the Rating and Valuation Act, 1928. (*Rating and Valuation.*)

ROYAL ASSENT, APRIL 14TH, 1932.

19. An Act to extend until the expiration of the Unemploymer
Insurance Act, 1930, the period in respect of which tran
tional payments may be made in certain cases under
Unemployment Insurance (National Economy) (No
Order, 1931. (*Transitional Payments Prolongation* (*U
ployed Persons*).)

ROYAL ASSENT, APRIL 25TH, 1932.

20. An Act to abolish proceedings in ecclesiastical courts for enforcing liability to repair certain chancels and to substitute other proceedings in lieu thereof, and otherwise to amend the law relating to such liability. (*Chancel Repairs.*)

21. An Act to remove the incapacity of the President of the Board of Trade for being elected and sitting and voting as a member of the Commons House of Parliament, and to indemnify certain holders of that office from any penal consequence which they may have incurred by sitting or voting as members of the said House at any time while they were not capable of so doing as being holders of that office. (*President of the Board of Trade.*)

ROYAL ASSENT, APRIL 28TH, 1932.

22. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force. (*Army and Air Force* (*Annual*).)

ROYAL ASSENT, MAY 12TH, 1932.

23. An Act to make further provision for the protection of the Grey Seal. (*Grey Seals Protection.*)

24. An Act to secure to growers of home-grown millable wheat a standard price and a market therefor; to make provision for imposing on millers and importers of flour obligations to make payments calculated by reference to a quota of such wheat and as to the disposal of the moneys thereby received; to provide for such millers being required to purchase unsold stocks of such wheat; and for purposes connected with the matters aforesaid. (*Wheat.*)

ROYAL ASSENT, JUNE 16TH, 1932.

25. An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, to amend the law relating to the Inland Revenue (including Excise) and the National Debt, to amend the Import Duties Act, 1932, in certain particulars, and also other enactments relating to the Customs, and to make further provision in connection with Finance. (*Finance.*)

26. An Act to transfer to the University Courts the right of presentation or appointment to certain chairs or professorships in the faculties of divinity or theology in the universities of Scotland; to remove restrictions as regards appointment to chairs or professorships in the said universities; to extend the powers of the University Courts of the said universities with regard to the making of ordinances, and for purposes connected therewith. (*Universities* (*Scotland*).)

27. An Act to prevent the conversion of entailed interests into absolute interests and the destruction of interests expectant thereon by the statutory trusts for sale, and to define the expression "rent charge in possession." (*Law of Property* (*Entailed Interests*).)

28. An Act to enable local authorities to provide or contribute towards the provision of means for cleansing shell-fish. (*Public Health* (*Cleansing of Shell-fish*).)

29. An Act to continue Part I of the Coal Mines Act, 1930, and section one of the Coal Mines Act, 1931. (*Coal Mines.*)

Royal Assent, July 12th, 1932.

30. An Act to provide for the imposition of customs duties on goods imported directly or indirectly from the Irish Free State with a view to making good any loss incurred by, or any additional charge imposed on, any public fund of the United Kingdom by reason of any failure of the Government of the Irish Free State to implement their obligations, and for purposes connected with the matters aforesaid. (*Irish Free State* (*Special Duties*).)

31. An Act to authorise the publication of banns and the solemnization of marriages in naval, military, and air force chapels. (*Marriage* (*Naval, Military and Air Force Chapels*).)

32. An Act to amend the Patents and Designs Acts, 1907 to 1928. (*Patents and Designs.*)

33. An Act to amend section forty of the Rating and Valuation Act, 1925. (*Rating and Valuation* (*No.* 2).)

34. An Act to enable the Trustees of the British Museum to except certain publications from the provisions of subsection (1) of section fifteen of the Copyright Act, 1911. (*British Museum.*)

35. An Act to make provision with respect to mortgages for securing loans made by the company formed for the purposes of Part I of the Agricultural Credits Act, 1928. (*Agricultural Credits.*)

36. An Act to give effect to a Convention for the unification of certain rules relating to international carriage by air, to make provision for applying the rules contained in the said Convention, subject to exceptions, adaptations and modifications, to carriage by air which is not internationa carriage within the meaning of the Convention, and f purposes connected with the purposes aforesaid. (*Carri by Air.*)

37. An Act to consolidate the Solicitors Acts, 1839 to 1928, and other enactments relating to solicitors of the Supreme Court. (*Solicitors.*)

38. An Act to amend the law of Scotland with regard to the purchase and hire of articles not exceeding twenty pounds in value by payment in instalments, and with regard to proceedings in the sheriff's small debt court. (*Hire Purchase and Small Debt* (*Scotland*).)

39. An Act to include offences in relation to dangerous drugs, and attempts to commit such offences, among extradition crimes. (*Extradition.*)

40. An Act to amend the law with respect to gas undertakings. (*Gas Undertakings.*)

41. An Act to amend the law with respect to Customs in the Isle of Man. (*Isle of Man* (*Customs*) (*No.* 2).)

42. An Act to grant money for the purpose of certain local loans out of the Local Loans Fund, and for other purposes relating to local loans. (*Public Works Loans.*)

43. An Act to amend the Constitution of Malta and to remove doubts as to the validity of certain Letters Patent and other enactments relating to Malta. (*Malta Constitution.*)

44. An Act to amend the Bills of Exchange Act, 1882. (*Bills of Exchange Act* (1882) *Amendment.*)

45. An Act to amend the law relating to public rights of way; and for purposes connected therewith. (*Rights of Way.*)

46. An Act to make further and better provision for the protection and welfare of the young and the treatment of young offenders; to amend the Children Act, 1908, and other enactments relating to the young; and for objects connected with the purposes aforesaid. (*Children and Young Persons.*)

47. An Act to make further and better provision in Scotland for the protection and welfare of the young and the treatment of young offenders; to amend in their application to Scotland the Children Act, 1908, and other enactments relating to the young; and for objects connected with the purposes aforesaid. (*Children and Young Persons* (*Scotland*).)

48. An Act to authorise the making of schemes with respect to the development and planning of land, whether urban or rural, and in that connection to repeal and re-enact with amendments the enactments relating to town planning; to provide for the protection of rural amenities and the preservation of buildings and other objects of interest or beauty; to facilitate the acquisition of land for garden cities; and to make other provision in connection with the matters aforesaid. (*Town and Country Planning.*)

49. An Act to authorise the making of schemes with respect to the development and planning of land in Scotland, whether urban or rural, and in that connection to repeal and re-enact with amendments the enactments relating to town planning; to provide for the protection of rural amenities and the preservation of buildings and other objects of interest or beauty; to facilitate the acquisition of land in Scotland for garden cities; and to make other provision in connection with the matters aforesaid. (*Town and Country Planning* (*Scotland*).)

ROYAL ASSENT, JULY 13TH, 1932.

50. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-three, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)

51. An Act to permit and regulate the opening and use of places on Sundays for certain entertainments and for debates, and for purposes connected with the matters aforesaid. (*Sunday Entertainments.*)

52. An Act to amend the enactments relating to National Health Insurance; to amend the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, by making provision for the payment of pensions thereunder in respect of the insurance of persons who cease to be insured within twelve months before death or before attaining the age of sixty-five, and by modifying the statutory conditions applicable to such pensions in the case of persons who, after ceasing to be insured, again become insured; to repeal sub-section (7) of section forty-four of the said Act; and for purposes connected therewith. (*National Health Insurance and Contributory Pensions.*)

ROYAL ASSENT, NOVEMBER 15TH, 1932.

53. An Act to enable effect to be given to the Agreements made on the twentieth day of August, nineteen hundred and thirty-two, at the Imperial Economic Conference held at Ottawa, and to a certain announcement made at that Conference on behalf of His Majesty's Government in th
United Kingdom, by imposing and providing for tl
imposition of certain duties of customs and otherwise,
make further provision for Imperial preference, and
purposes consequential on and connected with the mat
aforesaid. (*Ottawa Agreements.*)

ROYAL ASSENT, NOVEMBER 17TH, 1932.

54. An Act to provide that certain rules shall be complied with in determining the need of applicants for transitional payments under the Unemployment Insurance (National Economy) (No. 2) Order, 1931; and to enable the same rules to be observed in granting outdoor relief under the enactments relating to the poor law. (*Transitional Payments* (*Determination of Need*).)

55. An Act to amend the law with respect to appeals from decisions of official referees, to amend in certain particulars the Supreme Court of Judicature (Consolidation) Act, 1925, and section thirty-eight of the Solicitors Act, 1932, and to make provision for the costs of applications under section eighty-four of the Law of Property Act, 1925. (*Administration of Justice.*)

THE

PUBLIC GENERAL STATUTES.

[22 Geo. 5.]

CHAPTER 1.

An Act to make provision for the imposition of duties of Customs on articles wholly or mainly manufactured which are being imported into the United Kingdom in abnormal quantities, and for purposes connected therewith.

[20th November 1931.]

Most Gracious Sovereign:

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, with a view to preventing the importation into the United Kingdom in abnormal quantities of articles wholly or mainly manufactured, have freely and voluntarily resolved to give and grant unto Your Majesty the duties for the imposition of which provision is hereinafter contained; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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1.—(1) If the Board of Trade are satisfied that articles of any class or description comprised in Class III. of the Import and Export List issued under the authority of the Treasury and the Commissioners of Customs and Excise for the year nineteen hundred and thirty-one are being imported into the United Kingdom in abnormal quantities, it shall be lawful for the Board, with the concurrence of the Treasury, by Order to apply this Act to articles of that class or description.

(2) An Order made under this section shall be laid before the Commons House of Parliament so soon as may be after it is made, and shall cease to have effect on the expiration of a period of twenty-eight days from the date upon which it was made unless at some time before the expiration of that period it has been approved by a resolution passed by that House:

Provided that, in reckoning any such period of twenty-eight days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the Commons House is adjourned for more than four days.

(3) An Order so made may be varied or revoked by a subsequent Order made in the like manner and subject to the like provisions.

Charge of Customs duties on articles to which this Act applies.

2.—(1) Subject to the provisions of this Act, there shall, on the importation into the United Kingdom of articles of any class or description to which, by virtue of an order made under the last preceding section, this Act for the time being applies, be charged thereon such duties of Customs as may be specified in the Order not exceeding one hundred per cent. of the value of the articles.

(2) No articles which are Empire products within the meaning of that expression as used in subsection (1) of section eight of the Finance Act, 1919, shall be chargeable with duty under this Act.

9 & 10 Geo. 5. c. 32.

(3) Any duty chargeable under this Act on any article shall be charged in addition to any other duties of Customs chargeable on that article.

Value of articles for purpose of

3.—(1) The value of any imported articles for the purposes of this Act shall be taken to be the price which an importer would give for the articles if the articles were delivered to him, freight and insurance paid, in bond at the port of importation, and duty shall be paid on that value as fixed by the Commissioners of Customs and Excise.

(2) The Commissioners of Customs and Excise may make regulations for the purpose of giving effect to the provisions of this section and in particular for requiring any person concerned with the importation of articles into the United Kingdom to furnish to the

Commissioners in such form as they may require such information as is in their opinion necessary for a proper valuation of the articles, and to produce any books of account or other documents of whatever nature relating to the purchase, importation or re-sale of the articles by that person.

(3) If any person contravenes or fails to comply with any regulations made under this section, he shall in respect of each offence be liable to a customs penalty of fifty pounds.

Determination of disputes.

4. If—

(*a*) any dispute arises whether any articles imported into the United Kingdom are articles specified in an Order made under this Act; or

(*b*) in ascertaining the proper rate of duty chargeable on any articles under this Act, any dispute arises as to the value of the articles;

the question shall be referred to the arbitration of a referee appointed by the Lord Chancellor, who shall not be an official of any Government department, and the decision of the referee with respect to the matter in dispute shall be final and conclusive, and sections thirty and thirty-one of the Customs Consolidation Act, 1876, shall apply as if the dispute were such a dispute as is referred to in the said section thirty, with the substitution of the application for a reference to a referee under this section for the action or suit mentioned in those sections.

39 & 40 Vict. c. 36.

Exception for tran
articles

5. Subject to compliance with such conditions as to the security for the re-exportation of the articles as the Commissioners of Customs and Excise may impose, this Act shall not apply to articles imported for exportation after transit through the United Kingdom or by way of transhipment.

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6. Anything authorised under this Act to be done by the Board of Trade may be done by the President of the Board, or, in his absence, by a Secretary of State.

Short title, construction and extent.

7.—(1) This Act may be cited as the Abnormal Importations (Customs Duties) Act, 1931.

(2) In this Act the expression "the United Kingdom" does not include the Isle of Man.

(3) This Act shall continue in force for a period of six months and no longer: Provided that the expiry of this Act shall not affect the previous operation thereof or of any Order made thereunder, or any obligation or liability previously incurred under this Act or any such Order in respect of any duty of Customs, penalty, forfeiture, or punishment, or the taking of any steps, or the institution or carrying on of any proceedings to determine the amount of any such duty or enforce any such obligation or liability.

CHAPTER 2.

An Act to deal with certain Expiring Laws by making some of them permanent and continuing the remainder for limited periods.

[1st December 1931.]

WHEREAS the Acts mentioned in the Schedules to this Act are, in so far as they are in force and are temporary in their duration, limited to expire—

(*a*) as respects those mentioned in the First Schedule and in Parts I and III of the Second Schedule, on the thirty-first day of December, nineteen hundred and thirty-one; and

(*b*) as respects that mentioned in Part II of the Second Schedule, in England on the twenty-fifth day of December, nineteen hundred and thirty-one, and in Scotland on the twenty-eighth day of May, nineteen hundred and thirty-two:

And whereas it is expedient that the Acts mentioned in the First Schedule should be made permanent and that the Acts mentioned in the Second Schedule should be continued as in this Act mentioned, together in each case with any enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Certain Acts to be made permanent.

1. Notwithstanding anything in any other Act, the Acts mentioned in the First Schedule to this Act shall, to the extent specified in column three of that Schedule, become permanent Acts.

Certain Acts to be continued temporarily.

2.—(1) The Acts mentioned in Part I of the Second Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December, nineteen hundred and thirty-two.

(2) The Act mentioned in Part II of the Second Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued in England until the twenty-fifth day of December, nineteen hundred and thirty-two, and in Scotland until the twenty-eighth day of May, nineteen hundred and thirty-three.

(3) The Acts mentioned in Part III of the Second Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December, nineteen hundred and thirty-four.

Amending enactments.

3. Any unrepealed enactments amending or affecting the enactments made permanent or continued by this Act shall, in so far as they are temporary in their duration, become permanent or be continued (as the case may be) in like manner, whether they are mentioned in the First or Second Schedule to this Act, or not.

Short title, and appli cation North Irelan

4.—(1) This Act may be cited as the Expiring Laws Act, 1931.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has no power to make laws, but subject to this provision this Act shall not apply to Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Enactments made Permanent.

1. Session and Chapter.	2. Short Title.	3. How far made permanent.	4. Amending Acts.
(1) 58 & 59 Vict. c. 21.	The Seal Fisheries (North Pacific) Act, 1895.	The whole Act.	2 & 3 Geo. 5. c. 10.
(2) 4 & 5 Geo. 5. c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	6 & 7 Geo. 5. c. 13. 6 & 7 Geo. 5. c. 18. 7 & 8 Geo. 5. c. 25. 9 & 10 Geo. 5. c. 64. 10 Geo. 5. c. 5. 13 & 14 Geo. 5. c. 8.
(3) 6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act, 1916.	Section six, so far as it confers rights on officers or servants of a local authority in respect of their service or employment in or about certain premises.	——

SECOND SCHEDULE.

Enactments Continued.

Part I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 4 Edw. 7. c. 24.	The Wireless Telegraphy Act, 1904.	The whole Act.	6 Edw. 7. c. 13. 15 & 16 Geo. 5. c. 67. 16 & 17 Geo. 5. c. 54.
(2) 2 Geo. 5. c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act.	——
(3) 4 & 5 Geo. 5. c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	——
(4) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one.	——
(5) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Section two.	12 & 13 Geo. 5. c. 52.
(6) 10 & 11 Geo. 5. c. 21.	The Harbours, Docks and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act.	12 & 13 Geo. 5. c. 23.
(7) 10 & 11 Geo. 5. c. 47.	The Ministry of Food (Continuance) Act, 1920.	So far as it authorises the making or revoking, in whole or in part, of Part III of the Sale of Food Order, 1921, and provides for the enforcement, and imposes penalties for the breach, thereof.	——

2ND SCH. —*cont.*

PART I.—*continued.*

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(8) 10 & 11 Geo. 5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	20 & 21 Geo. 5. c. 50.
(9) 10 & 11 Geo. 5. c. 65.	The Employment of Women, Young Persons and Children Act, 1920.	Section two.	——
(10) 10 & 11 Geo. 5. c. 77.	The Dyestuffs (Import Regulation) Act, 1920.	The whole Act.	——
(11) 11 & 12 Geo. 5. c. 64.	The Poor Law Emergency Provisions (Scotland) Act, 1921.	The whole Act except subsection (4) of section two.	13 & 14 Geo. 5. c. 6. 14 & 15 Geo. 5. c. 9. 15 & 16 Geo. 5. c. 35. 17 Geo. 5. c. 3.
(12) 14 & 15 Geo. 5. c. 34.	The London Traffic Act, 1924.	The whole Act.	——
(13) 16 & 17 Geo. 5. c. 28.	The Mining Industry Act, 1926.	Section eighteen.	——
(14) 17 Geo. 5. c. 3.	The Poor Law Emergency Provisions (Scotland) Act, 1927.	Sections one, three and five.	——

Part II.

2nd Sch.
—*cont.*

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(15) 10&11 Geo.5. c. 17.	The Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	The whole Act.	13 & 14 Geo.5. c. 32. 14 & 15 Geo.5. c. 18. 15 & 16 Geo.5. c. 32. 20 & 21 Geo.5. cc. 39 & 40.

Part III.

(16) 8 & 9 Geo. 5. c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	So far as it relates to tramway undertakings.	10 & 11 Geo.5. c. 14.
(17) 12 & 13 Geo.5 c. 27.	The Canals (Continuance of Charging Powers) Act, 1922.	The whole Act.	15 & 16 Geo.5. c. 2.

CHAPTER 3.

An Act to make provision for the imposition of duties of Customs on certain descriptions of fresh fruit, fresh vegetables, flowers, bulbs, plants and foliage, and for purposes connected therewith. [11th December 1931.]

Most gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, with a view to reducing the importation into the United Kingdom of certain classes of fresh fruit, fresh vegetables and other horticultural products, the production of which in the United Kingdom can b increased, or which are articles of luxury, have freely and voluntarily resolved to give and grant unto Your Majesty the duties for the imposition of which provision is hereinafter contained; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of Minister to apply Act.

1.—(1) If the Minister of Agriculture and Fisheries considers that it is desirable so to do, he may, with the concurrence of the Treasury, by order apply this Act to any articles of any of the descriptions set out in the Schedule to this Act.

(2) An order made under this section shall be laid before the Commons House of Parliament so soon as may be after it is made, and shall cease to have effect on the expiration of a period of twenty-eight days from the date upon which it is made unless at some time before the expiration of that period it has been approved by a resolution passed by that House:

Provided that in reckoning any such period of twenty-eight days as aforesaid no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the Commons House is adjourned for more than four days.

(3) An order so made may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.

(4) A rule or regulation contained in an order made under this section shall not be deemed to be a statutory rule within the meaning of section one of the Rules Publication Act, 1893.

6 & 57 Vict.

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2.—(1) Subject to the provisions of this Act, there shall, on the importation into the United Kingdom of articles of any description to which, by virtue of an order made under the last preceding section, this Act for the time being applies, be charged thereon such duties of Customs (subject to the limitation provided in sub-section (2) of this section) as may be specified in the rder.

(2) The duties to be charged as aforesaid—

(*a*) may be charged by reference to value, weight, measurement or quantity, as may be provided in the order;

(*b*) shall be charged for such periods and may be charged at such different rates for such different parts of any period, as may be so provided;

(*c*) shall not exceed one hundred per cent. of the value of the articles, and, in the case of articles of any description to be charged to duty otherwise than by reference to value, the value thereof for the purpose of the foregoing limitation shall be taken to be the wholesale price, as determined by the Minister of Agriculture and Fisheries, of articles of that description prevailing at the corresponding period in the preceding year.

(3) No articles which are Empire products within the meaning of that expression as used in subsection (1) of section eight of the Finance Act, 1919, shall be chargeable with duty under this Act.

9 & 10 Geo. 5. c. 32.

Basis of value in case of articles to be charged to duty on value.

3.—(1) The value of any imported articles which are to be charged to duty by reference to value shall, for the purposes of this Act, be taken to be the price which an importer would give for the articles if they were delivered to him, freight and insurance paid, in bond at the port of importation, and duty shall be paid on that value as fixed by the Commissioners of Customs and Excise.

(2) The Commissioners of Customs and Excise may make regulations for the purpose of giving effect to the provisions of this section, and in particular for requiring any person concerned with the importation of articles into the United Kingdom to furnish to the Commissioners, in such form as they may require, such information as is, in their opinion, necessary for a proper valuation of the articles, and to produce any books of account or other documents of whatever nature relating to the purchase, importation, sale or re-sale of the articles by that person.

(3) If any person contravenes or fails to comply with any regulations made under this section, he shall in respect of each offence be liable to a Customs penalty of fifty pounds.

Determination of disputes as to value.

4. If, in ascertaining the proper rate of duty chargeable under this Act on any articles which are to be charged by reference to value, any dispute arises as to the value of the articles, the dispute shall be referred to the arbitration of a referee appointed by the Lord Chancellor, who shall not be an official of any Government department, and the decision of the referee with respect to the matter in dispute shall be final and conclusive, and sections thirty and thirty-one of the Customs Consolidation Act, 1876, shall apply as if the dispute were such a dispute as is referred to in the said section thirty, with the substitution of the application for a reference to a referee under this section for the action or suit mentioned in those sections.

39 & 40 Vict. c. 36.

Exception for transit articles.

5. Subject to compliance with such conditions as to the security for the re-exportation of the articles as the Commissioners of Customs and Excise may impose, this Act shall not apply to articles imported for exportation after transit through the United Kingdom or by way of transhipment.

Short title, construction and extent.

6.—(1) This Act may be cited as the Horticultural Products (Emergency Customs Duties) Act, 1931.

(2) In this Act the expression "the United Kingdom" does not include the Isle of Man.

(3) This Act shall continue in force for a period of twelve months and no longer:

Provided that the expiry of this Act shall not affect the previous operation thereof or of any order made thereunder, or any obligation or liability previously incurred under this Act or any such order in respect of any duty of Customs, penalty, forfeiture, or punishment, or the taking of any steps, or the institution or carrying on of any proceedings, to determine the amount of any such duty or enforce any such obligation or liability.

SCHEDULE.

Section 1.

Fresh Fruits.

Cherries.
Currants.
Gooseberries.
Grapes (Hothouse).
Plums.
Strawberries.

Fresh Vegetables.

Asparagus.
Green Beans.
Broccoli and Cauliflowers.
Carrots.
Chicory (Salad).
Cucumbers.
Endive.
Lettuce.
Mushrooms.
Peas (Green).
Potatoes (New).
Tomatoes.
Turnips.

Flowers, &c.

Cut flowers.
Plants in flower.
Flowers attached to bulbs.
Foliage.
Bulbs.
Rose Trees.

CHAPTER 4.

An Act to give effect to certain resolutions passed by Imperial Conferences held in the years 1926 and 1930. [11th December 1931.]

WHEREAS the delegates of His Majesty's Governments in the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland, at Imperial Conferences holden at Westminster in the years of our Lord nineteen hundred and twenty-six and nineteen hundred and thirty did concur in making the declarations and resolutions set forth in the Reports of the said Conferences:

And whereas it is meet and proper to set out b way of preamble to this Act that, inasmuch as t

Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom:

And whereas it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the said Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion:

And whereas it is necessary for the ratifying, confirming and establishing of certain of the said declarations and resolutions of the said Conferences that a law be made and enacted in due form by authority of the Parliament of the United Kingdom:

And whereas the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland have severally requested and consented to the submission of a measure to the Parliament of the United Kingdom for making such provision with regard to the matters aforesaid as is hereafter in this Act contained:

Now, therefore, be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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1. In this Act the expression "Dominion" means any of the following Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland.

2.—(1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

(2) No law and no provision of any law made after he commencement of this Act by the Parliament of a

Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.

Power of Parliament of Dominion to legislate extra-territorially.

3. It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

Parliament of United Kingdom not to legislate for Dominion except by consent.

4. No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.

Powers of Dominion Parliaments in relation to merchant shipping.

57 & 58 Vict. c. 60.

5. Without prejudice to the generality of the foregoing provisions of this Act, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the Legislature of a British possession did not include reference to the Parliament of a Dominion.

Powers of Dominion Parliaments in relation to Courts of Admiralty.

53 & 54 Vict. c. 27.

6. Without prejudice to the generality of the foregoing provisions of this Act, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in any Dominion as from the commencement of this Act.

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7.—(1) Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

(2) The provisions of section two of this Act shall extend to laws made by any of the Provinces of Canad and to the powers of the legislatures of such Provinces.

(3) The powers conferred by this Act upon the Parliament of Canada or upon the legislatures of the Provinces shall be restricted to the enactment of laws in relation to matters within the competence of the Parliament of Canada or of any of the legislatures of the Provinces respectively.

Saving for Constitution Acts of Australia and New Zealand.

8. Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia or the Constitution Act of the Dominion of New Zealand otherwise than in accordance with the law existing before the commencement of this Act.

Saving with respect to States of Australia.

9.—(1) Nothing in this Act shall be deemed to authorise the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia.

(2) Nothing in this Act shall be deemed to require the concurrence of the Parliament or Government of the Commonwealth of Australia in any law made by the Parliament of the United Kingdom with respect to any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia, in any case where it would have been in accordance with the constitutional practice existing before the commencement of this Act that the Parliament of the United Kingdom should make that law without such concurrence.

(3) In the application of this Act to the Commonwealth of Australia the request and consent referred to in section four shall mean the request and consent of the Parliament and Government of the Commonwealth.

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10.—(1) None of the following sections of this Act, that is to say, sections two, three, four, five and six, shall extend to a Dominion to which this section applies as part of the law of that Dominion unless that section is adopted by the Parliament of the Dominion, and any Act of that Parliament adopting any section of this Act may provide that the adoption shall have effect either from the commencement of this Act or from such later date as is specified in the adopting Act.

(2) The Parliament of any such Dominion as aforesaid may at any time revoke the adoption of any section referred to in subsection (1) of this section.

(3) The Dominions to which this section applies are the Commonwealth of Australia, the Dominion of New Zealand and Newfoundland.

Meaning of "Colony" in future Acts. 52 & 53 Vict. c. 63.

11. Notwithstanding anything in the Interpretation Act, 1889, the expression "Colony" shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion.

Short title.

12. This Act may be cited as the Statute of Westminster, 1931.

CHAPTER 5.

An Act to extend by three years the period during which the powers of the Commissioners appointed under the Educational Endowments (Scotland) Act, 1928, may be exercised, and for purposes incidental to such extension.

[11th December 1931.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Extension of duration of powers of Commissioners under 18 & Geo.

1.—(1) The period during which the powers of the Commissioners appointed under the Educational Endowments (Scotland) Act, 1928, may be exercised by them shall be extended by three years and accordingly in section forty of the said Act (which limits the duration of the Commissioners' powers) for the words "nineteen hundred and thirty-one" there shall be substituted the words "nineteen hundred and thirty-four".

(2) The provisions of subsection (2) of section one of the said Act with respect to the remuneration of the assistant commissioners and the secretary and other

officers of the Commissioners, and with respect to expenses incurred by the Commissioners shall apply in relation to such extended period as aforesaid as they apply in relation to the period originally limited by the said section forty.

Short title and citation.

2. This Act may be cited as the Educational Endowments (Scotland) Act, 1931, and the Educational Endowments (Scotland) Act, 1928, and this Act may be cited together as the Educational Endowments (Scotland) Acts, 1928 and 1931.

CHAPTER 6.

An Act to amend subsection (3) of section three of the National Health Insurance Act, 1924, and to make financial provision in connection with such amendment. [11th December 1931.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Prolongation of periods of insurance in the case of certain employed contributors.
19
c. 14.
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c. 5.

1. Where a person was immediately before the first day of January, nineteen hundred and thirty-two, insured as an employed contributor under the provisions of subsection (3) of section three of the principal Act, or under the said subsection as applied by regulations made under section twenty-three of the National Health Insurance Act, 1928, or as amended by section one of the National Health Insurance (Prolongation of Insurance) Act, 1930, he shall continue to be treated as an employed contributor remaining by virtue of the said subsection insured under the principal Act until the thirty-first day of December, nineteen hundred and thirty-two, if he satisfies the requirement contained in paragraph (*a*) of the said subsection, and also proves within the prescribed time that, throughout the period during which by virtue of the said subsection, or of the said subsection as so applied or amended as aforesaid, he remained insured under the principal Act, he was when not employed within the meaning of that Act either available for, but unable to obtain, employment within the meaning of that Act, or incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed time.

Financial provision.

2.—(1) There shall, in respect of every person, being a member of an approved society, to whom this Act applies, be paid out of moneys provided by Parliament to the fund out of which the benefits to which that person is entitled are provided, and, subject to the retention thereout of the amounts mentioned in section sixty-seven of the principal Act, credited to the account in that fund of the approved society of which that person is a member, a sum equal to thirty-six contributions at the rate, in the case of a man, of ninepence and, in the case of a woman, of eightpence halfpenny.

(2) For the purpose of section four of the principal Act the sums paid under this section in respect of any person shall be deemed to be contributions paid under the principal Act by, or in respect of, that person.

Short title, interpretation and extent.

3.—(1) This Act may be cited as the National Health Insurance (Prolongation of Insurance) Act, 1931, and shall be construed as one with the principal Act, and the National Health Insurance Acts, 1924 to 1930, and this Act may be cited together as the National Health Insurance Acts, 1924 to 1931.

(2) In this Act the expression "the principal Act" means the National Health Insurance Act, 1924, and references to the principal Act shall, unless the context otherwise requires, be construed as references to that Act as amended by any subsequent enactment.

14 & 15 Geo. 5. c. 38

(3) This Act shall not extend to Northern Ireland.

CHAPTER 7.

An Act to authorise the making of temporary abatements from the pay of persons in the service of the Crown in India notwithstanding subsisting statutory rights.

[11th December 1931.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Abatements from pay notwithstanding statutory rights.

1.—(1) If it appears to the Secretary of State in Council that it is necessary, having regard to the financial position in India, to make abatements from the pay of persons in the service of the Crown in India, but that in certain cases, in view of subsisting statutory rights, such abatements cannot be made or cannot be made without compensation, the Secretary of State in Council may direct that, in such of those cases as may be specified in the direction, abatements from pay shall be made of such amounts (not exceeding ten per cent.) as may be so specified and without compensation, and any such direction shall have effect notwithstanding anything in any enactment:

Provided that—

(*a*) no such direction shall affect any pay in so far as it is payable in respect of any period before the first day of December, nineteen hundred and thirty-one, or after the thirty-first day of March, nineteen hundred and thirty-three; and

(*b*) in computing the amount of any pension or gratuity dependent upon pay, or the amount of any contribution from the Governor-General in Council or from any local government in India to any provident fund, any abatement made by reason of any such direction shall be disregarded.

(2) If it appears to the Secretary of State in Council at any such direction occasions exceptional hardship

in the case of any person, he may direct that that person shall be exempted wholly or in part from the effect of that direction.

(3) No direction shall be given under this section except with the concurrence of a majority of votes at a meeting of the Council of India, and any such direction may be rescinded or varied by a subsequent direction.

(4) In this section the expression "pay" includes allowances and other emoluments.

Short title.

2. This Act may be cited as the Indian Pay (Temporary Abatements) Act, 1931.

CHAPTER 8.

An Act to provide for the imposition of a general ad valorem duty of customs and of additional duties on any goods chargeable with the duty aforesaid, for the imposition of duties on goods produced or manufactured in a foreign country which discriminates in the matter of importation as against goods produced or manufactured in the United Kingdom, in certain other parts of His Majesty's dominions, in protectorates or in mandated territories, and for purposes connected with the matters aforesaid.

[29th February 1932.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, with a view to the restricting in the national interest of the importation of goods into the United Kingdom, to the providing of a remedy in cases where a foreign country discriminates in the matter of importation as against goods produced or manufactured in the United Kingdom, in certain other parts of Your Majesty's dominions or in territories under Your Majesty's protection or in respect of which a mandate i[illegible] being exercised by Your Majesty's Government of th[illegible]

United Kingdom, and to the making of an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the duties for which provision is hereinafter contained; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted, by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

GENERAL AD VALOREM DUTY AND ADDITIONAL DUTIES.

Charge of general ad valorem customs duty of ten per cent.

1.—(1) As from the first day of March, nineteen hundred and thirty-two, there shall, subject to the provisions of this Act, be charged on all goods imported into the United Kingdom, other than goods exempted as hereinafter provided from the provisions of this section, a duty of customs equal to ten per cent. of the value of the goods.

(2) The following goods shall be exempted from the provisions of this section—

(*a*) goods for the time being chargeable with a duty of customs by or under any enactment other than this Act, but not including (subject to the provisions of this Act) any composite goods in the case of which duty is chargeable under any such enactment as aforesaid because some (but not all) of their components are articles so chargeable;

(*b*) goods of any class or description specified in the First Schedule to this Act or added to that Schedule by an order made under the next following subsection.

(3) The Treasury, after receiving a recommendation from the Committee to be constituted under the following provisions of this Act that goods of any class or description ought to be exempted from the provisions of this section, and after consultation with the appropriate department, may by order direct that goods of all or any of the classes or descriptions specified in the recommendation shall be added to the First Schedule to this Act:

Provided that, except in such cases as seem to them of special urgency, the said Committee shall not take into consideration the question whether any recommendation ought to be made under this subsection until the expiration of six months from the passing of this Act.

Part I. —*cont.*

(4) The duty imposed by this section is in this Act referred to as "the general ad valorem duty."

(5) The provisions of the Second Schedule to this Act shall have effect with respect to the recommendation and allowance of drawback in respect of the general ad valorem duty.

Constitution of Advisory Committee.

2.—(1) For the purpose of giving advice and assistance in connection with the discharge by the Treasury of their functions under this Act, there shall be constituted a committee, to be called "the Import Duties Advisory Committee," consisting of a chairman and not less than two or more than five other members to be appointed by the Treasury.

(2) The members of the Committee shall hold office for a period of three years and shall be eligible for re-appointment from time to time on the expiration of their term of office.

If a member becomes, in the opinion of the Treasury, unfit to continue in office or incapable of performing his duties under this Act, the Treasury shall forthwith declare his office to be vacant and shall notify the fact in such manner as they think fit, and thereupon the office shall become vacant.

(3) The Committee shall, as soon as may be after the commencement of this Act, take into consideration the provisions of this Act, and shall, from time to time, take into consideration any representations which may be made to them with respect to matters on which, under the provisions of this Act, action may be taken on a recommendation by the Committee, and may make recommendations to the Treasury with respect to the matters aforesaid.

(4) The Treasury shall publish in such manner as they think fit any recommendation made to them by the Committee as soon as may be after they have made an order in pursuance of the recommendation or have determined to make no order on the recommendation.

Part I. —*cont.*

(5) The expenses of the Committee to such an amount as may be approved by the Treasury (including the expenses of their staff and such salaries or other remuneration paid to all or any of the members as the Treasury may determine) shall be paid out of moneys provided by Parliament.

(6) The Committee may make rules—

(*a*) for regulating the proceedings, including the quorum, of the Committee; and

(*b*) for authorising the delegation of any of the functions of the Committee to a sub-committee consisting of members of the Committee.

(7) The Committee, so far as they consider it necessary or desirable so to do for the purpose of the proper discharge of their functions, may by notice in writing require any person to furnish them with returns or other information, or, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness before them or before any person authorised by them and to give evidence or to produce documents, and if any person fails without reasonable excuse to comply with the provisions of any such notice, he shall be liable on summary conviction to a fine not exceeding fifty pounds, and in the case of a second or subsequent conviction to a fine not exceeding two hundred pounds:

Provided that the power of the Committee under this subsection to require a person to attend as a witness before a person authorised by them shall not be exercised unless the Committee are satisfied that, having regard to the nature of the proposed inquiry, it can be conducted more conveniently or more efficiently by a person so authorised than by the Committee, and that the person proposed to be authorised possesses the necessary qualifications for the purpose.

(8) The Committee or any person authorised by them shall have power to take evidence on oath, and for that purpose to administer oaths.

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3.—(1) Where it appears to the Committee that an additional duty of customs ought to be charged in respect of goods of any class or description which are chargeable with the general ad valorem duty and which, in their opinion, are either articles of luxury or articles of a kind which are being produced or are likely within

PART I.
—*cont.*

a reasonable time to be produced in the United Kingdom in quantities which are substantial in relation to United Kingdom consumption, the Committee may recommend to the Treasury that an additional duty ought to be charged on goods of that class or description at such rate as is specified in the recommendation.

(2) In deciding what recommendation, if any, to make for the purposes of this section, the Committee shall have regard to the advisability in the national interest of restricting imports into the United Kingdom and the interests generally of trade and industry in the United Kingdom, including those of trades and industries which are consumers of goods as well as those of trades and industries which are producers of goods.

(3) The Treasury, after receiving a recommendation from the Committee that an additional duty of customs ought to be charged on goods of any class or description, may, if they think fit so to do, and after consultation with the appropriate Department, by order direct that such additional duty of customs as is specified in the order (being a duty at a rate not exceeding the rate specified in the recommendation) shall be charged on the importation into the United Kingdom of goods of all or any of the classes or description specified in the recommendation, and an additional duty so directed to be charged shall for all purposes be deemed to be chargeable under this section.

(4) An order under this section directing an additional duty to be charged may direct that it shall be charged—

(*a*) by reference to value or to weight or any other measure of quantity;

(*b*) for any period or periods, whether continuous or not, or without any limit of period;

(*c*) at different rates for different periods or parts of periods.

(5) Where it is apprehended that goods of any class or description which, by reason of their being chargeable with a duty of customs by or under any enactment other than this Act, are not chargeable with the genera ad valorem duty, will shortly become chargeable wit the general ad valorem duty by reason of the duty

PART I. *—cont.*

or under that other enactment ceasing to be chargeable, the Committee may make a recommendation under this section with respect to goods of that class or description, and the Treasury may make an order accordingly, so, however, that the order shall not have effect until the date on which the general ad valorem duty becomes chargeable.

(6) The provisions of the Second Schedule to this Act shall have effect with respect to the recommendation and allowance of drawback in respect of additional duties.

(7) The Committee may at any time make to the Treasury a recommendation that any additional duties which are chargeable, or any drawbacks which are to be allowed, under this Act ought to be varied or discontinued.

(8) A duty imposed by this section is in this Act referred to as an "additional duty."

Preference for Dominions, India and Southern Rhodesia.

22 Geo. 5 c. 4.

4.—(1) This section shall apply to the following countries, that is to say, the Dominions within the meaning of the Statute of Westminster, 1931, India and Southern Rhodesia, and any territories in respect of which a mandate of the League of Nations is being exercised by, or which are administered under the authority of, the Government of any such Dominion as aforesaid.

(2) In the case of goods which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in any country to which this section applies, neither the general ad valorem duty nor any additional duty shall be chargeable until the fifteenth day of November, nineteen hundred and thirty-two, or if a later date is fixed for the purposes of this section by resolution of the Commons House of Parliament either generally or as respects any particular country, then, in cases to which the resolution applies, until that later date.

(3) At any time after the first day of November, nineteen hundred and thirty-two, the Treasury may, on the recommendation of the Secretary of State, by order direct as respects goods of any class or lescription specified in the order, being goods which re shown to the satisfaction of the Commissioners to ave been consigned from any part of the British

PART I. *—cont.*

Empire and grown, produced or manufactured in any country specified in the order, being a country to which this section applies, that as from such date as may be specified in the order, not being earlier than the said fifteenth day of November or, if any later day is fixed as aforesaid, not being earlier than that date, the general ad valorem duty or any additional duty or both such duties shall not be chargeable or shall be chargeable only at some specified rate less than the full rate, and where any such order is made, the provisions of this Act shall have effect accordingly.

(4) Where by virtue of subsection (2) of this section any duty under this Part of this Act becomes chargeable on goods grown, produced or manufactured in any country to which this section applies, goods consigned from that country shall, unless they are goods of a class or description specified in an order made with respect to that country under the last foregoing subsection, or are goods of a class or description which are not grown, produced, or manufactured in that country, be treated for the purposes of this section and of any order made thereunder with respect to any other country and for the purposes of the next following section of this Act as not having been consigned from a part of the British Empire.

Colonial preference

5.—(1) Neither the general ad valorem duty nor any additional duty shall be chargeable in respect of goods which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in—

(*a*) any part of His Majesty's dominions outside the United Kingdom, other than a country to which the last preceding section of this Act applies; or

(*b*) any territory which is under His Majesty's protection.

(2) His Majesty may by Order in Council declare that this section shall apply to any territory in respect of which a mandate of the League of Nations is being exercised by the Government of the United Kingdom as if that territory were a territory under His Majesty's protection.

PART I. —*cont.*

Application of s. 8 of 9 & 10 Geo. 5. c. 32 for purpose of Imperial preference under Part I.

6. Such of the provisions contained in section eight of the Finance Act, 1919, as are set out with modifications in Part I of the Third Schedule to this Act shall apply for the purposes of the last two preceding sections of this Act, and the provisions of Part II of that Schedule shall have effect with respect to the evidence required to show that goods are by reason of the provisions of the sections aforesaid free, whether in whole or in part, from any duty chargeable under this Part of this Act:

Provided that, if any duty becomes so chargeable in respect of goods consigned from or grown, produced or manufactured in any country to which section four of this Act applies, the Board of Trade may by regulations modify the provisions of the said Schedule so far as may appear to them to be necessary to meet the circumstances of the case.

Preference in case of certain foreign goods.

7.—(1) The Treasury may, on the recommendation of the Board of Trade, by order direct, as respects goods of any class or description specified in the order, being goods which are shown to the satisfaction of the Commissioners to have been consigned from, and grown, produced or manufactured in any foreign country specified in the order, that, as from such date as may be specified in the order, the general ad valorem duty, or any additional duty, or both such duties, shall not be chargeable or shall be chargeable only at some specified rate less than the full rate, and, where any such order is made, the provisions of this Act shall have effect accordingly.

(2) The Board of Trade may make regulations prescribing, either generally or in relation to goods of any particular class or description, the conditions which must be fulfilled in order to establish that goods have been grown, produced or manufactured in a foreign country specified in an order made under this section, and the Commissioners may in any case require an importer to furnish, in such form as they may prescribe, proof that the conditions so prescribed by the Board have been fulfilled, and if such proof is not furnished to the Commissioners' satisfaction, the goods shall not be deemed to be goods grown, produced or manufactured in that country.

Part I. —*cont.*

Charge of duty in case of composite goods.

8. Where by virtue of section one of this Act any composite goods would, if no other provision were made in relation thereto by this Act, be chargeable both with the general ad valorem duty and with a duty of customs chargeable by or under some enactment other than this Act, the general ad valorem duty shall be chargeable only up to the amount, if any, by which it exceeds the duty of customs chargeable by or under that other enactment:

Provided that nothing in this section shall be taken to affect the power of the Committee to make recommendations with respect to any class or description of such goods, or the power of the Treasury to make an order in pursuance of any recommendation, as if they were goods chargeable with the general ad valorem duty, and if the Committee recommend that an additional duty shall be charged in respect of any class or description of such goods, the Committee may also recommend that any duty of customs chargeable in respect of goods of that class or description by or under any such other enactment as aforesaid shall either cease to be chargeable so long as the additional duty continues to be chargeable or shall continue to be chargeable, and an order made by the Treasury in pursuance of the recommendation may provide accordingly.

Power of Board of Trade to require information.

9.—(1) With a view to obtaining information as to the condition and progress of trades and industries engaged in the manufacture in the United Kingdom of goods of a class or description which, if they were imported into the United Kingdom, would be chargeable with a duty of customs under this Part of this Act, the Board of Trade may, before the commencement of the year nineteen hundred and thirty-three and any subsequent year, publish in the Gazette notice that they will require returns in relation to that year in accordance with the provisions of this section.

(2) After any such notice has been published as respects any year, the Board of Trade may issue to any person who appears to the Board to have been during any part of that year the occupier or manager of any factory or workshop, being a factory or workshop in which it appears to the Board that the manufacture of any such goods as aforesaid is being carried on or has

PART I. —*cont.*

been carried on during that year or any part thereof, such form of return, and such instructions for filling up the form and delivering it to the Board, as they consider necessary for the purpose of obtaining, with respect to that factory or workshop and in relation to that year or any part thereof, information as to all or any of the following matters, namely:—

(*a*) The quantity and value of output;

(*b*) The quantity and cost of materials used;

(*c*) The quantity and cost of fuel and electricity consumed;

(*d*) The number of persons employed.

(3) Every person to whom a form of return and instructions are issued under this section shall, in accordance with the instructions, fill up the form and deliver it to the Board of Trade, and if he fails to do so he shall for each offence be liable on summary conviction to a fine not exceeding ten pounds, and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues.

(4) If any person to whom a form of return has been issued under this section makes a false return, he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds and, in the case of a second or subsequent conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(5) For the purpose of this section—

(*a*) the expressions "factory" and "workshop" have the same meanings as in the Factory and Workshop Acts, 1901 to 1929;

(*b*) references to the manufacture of goods of a class or description which if they were imported into the United Kingdom would be chargeable with a duty of customs under this Part of this Act shall be deemed to include references to the subjection of goods of that class or description to any process and to the subjection of goods to any process which renders them goods of that class or description;

(*c*) the expression "the Gazette" means the London, Edinburgh and Belfast Gazettes.

(6) The Board of Trade shall present to Parliament a summary of the information obtained by them under this section in respect of any year.

(7) The expenses incurred by the Board of Trade in carrying this section into effect shall, up to an amount approved by the Treasury, be defrayed out of moneys provided by Parliament.

Prevention of disclosure of information.

10.—(1) No information relating to any individual business, being information which has been obtained by the Committee or the Board of Trade by virtue of the provisions of this Act, shall, without the previous consent in writing of the owner for the time being of that business, be published or disclosed except to members of the Committee or to a Government Department requiring that information for the purposes of this Act, or to a person authorised by the Committee or by a Government Department and requiring that information for those purposes, or except for the purposes of a prosecution under this Act.

(2) If any person publishes or discloses any information contrary to the provisions of this section, he shall be liable on summary conviction to a fine not exceeding fifty pounds and, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred pounds, or to both such imprisonment and fine.

Provision as to shipbuilding yards.

11.—(1) Where goods imported into the United Kingdom are consigned direct to a registered shipbuilding yard within the meaning of this section, the Commissioners may, subject to such conditions as they may impose for securing that the goods are used for the building, repairing or refitting of ships in that yard, allow the goods to be imported free of any duty chargeable under this Part of this Act.

(2) Where goods are brought into any such registered shipbuilding yard from any other part of the Unite Kingdom, the Commissioners may, subject to suc

PART I.
—*cont.*

conditions as aforesaid, treat the goods for the purpose of the provisions of this Act relating to drawback as if they had been exported from the United Kingdom.

(3) The Commissioners, if it is shown to their satisfaction that any premises in the United Kingdom are occupied and used for the purpose of the building, repairing or refitting of ships shall, on an application made to them in that behalf and on payment by the applicant of a fee of one pound, register those premises for the purposes of this section as a shipbuilding yard, and the expression "registered shipbuilding yard" in this section means premises so registered.

PART II.

DUTIES IN RESPECT OF FOREIGN DISCRIMINATION.

Power of Board of Trade to impose supplementary duties in case of foreign discrimination.

12.—(1) If it appears to the Board of Trade that the difference between the treatment accorded in any foreign country (whether by way of the imposition of duties or the prohibition or restriction of importation or otherwise) to any goods produced or manufactured in a country to which this section applies and that so accorded to like goods produced or manufactured in any country other than a country to which this section applies is such as to amount to discrimination as against a country to which this section applies, the Board of Trade may, with the concurrence of the Treasury (given after consultation with any other Government department which appears to the Treasury to be interested) and subject to the provisions of this Act, by order made for the purposes of this Part of this Act direct that there shall be charged on the importation into the United Kingdom of goods of any class or description produced or manufactured in that foreign country such duties of customs as may be specified in the order, and any duty so directed to be charged shall for all purposes be deemed to be chargeable under this Part of this Act.

(2) The countries to which this section applies are the United Kingdom (including the Isle of Man), the Channel Islands, the colonies and territories which are under His Majesty's protection or in respect of which a mandate is being exercised by the Government of the United Kingdom.

Part II. —*cont.*

(3) The duties to be charged as aforesaid—

(*a*) may be charged by reference to value or to weight or any other measure of quantity, as may be provided in the order; and

(*b*) shall not exceed one hundred per cent. of the value of the goods.

(4) Any duty chargeable under this Part of this Act on any goods shall be charged in addition to any other duty of customs chargeable on those goods.

(5) It shall be lawful for the Commissioners, on the importation into the United Kingdom of any goods which, if produced or manufactured in any particular foreign country, would be liable to duty under this Part of this Act and which are consigned either from that foreign country or from such other countries as the Board of Trade may direct, to require the importer to furnish to the Commissioners, in such form as they may prescribe, proof with respect to the country in which the goods were produced or manufactured, and unless proof is furnished to the satisfaction of the Commissioners that the goods were produced or manufactured elsewhere than in the first-mentioned country, the goods shall be deemed to be goods produced or manufactured in the first-mentioned country.

Part III.

General.

Exception for goods imported with a view to re-expor tation

13. Where it is shown to the satisfaction of the Commissioners that any goods are being imported solely with a view to the re-exportation thereof—

(*a*) after undergoing a process in the United Kingdom which will not change the form or character of the goods; or

(*b*) after transit through the United Kingdom, or by way of transhipment,

the Commissioners may, subject to such conditions as they think fit to impose for securing the re-exportation of the goods, allow the goods to be imported free c any duty chargeable under this Act.

PART III. *—cont.*

Provision as to re-importation of goods of a class or description liable to duty under Act.

42 & 43 Vict. c. 21.

14. Section six of the Customs and Inland Revenue Act, 1879, shall not apply to goods chargeable with a duty of customs under this Act, but where any goods (whether British or foreign) of a class or description so chargeable are re-imported into the United Kingdom after exportation therefrom and it is shown to the satisfaction of the Commissioners that any duty so chargeable in respect of the goods was duly paid and either that no drawback of any such duty was allowed on exportation, or that any drawback so allowed has been repaid to the Exchequer, then—

(*a*) if it is further shown as aforesaid that the goods have not been subjected to any process abroad, the goods shall be exempt from any such duty; and

(*b*) if it is further shown as aforesaid that the goods have been subjected to a process abroad but that their form or character has not been changed, the goods shall be chargeable with duty under this Act as if the amount of the increase in the value of the goods attributable to the process were the whole value thereof, and, where any sum has been contracted to be paid for the execution of the process, that sum shall be prima facie evidence of that amount, but without prejudice to the powers of the Commissioners under this Act as to the ascertainment of the value of goods for the purposes of this Act.

Value of goods for purpose of Act.

15.—(1) The value of any imported goods for the purposes of this Act shall be taken to be the price which an importer would give for the goods on a purchase in the open market if the goods were delivered to him at the port of importation, freight, insurance, commission and all other costs, charges and expenses incidental to the purchase and delivery at that port (except any duties of customs) having been paid, and duty shall be paid on that value as fixed by the Commissioners.

(2) In determining the value of any goods for the purposes of this Act the Commissioners may have regard not only to the value of the goods as declared by an importer, but to all relevant considerations and in particular—

(*a*) to the price which at the time of importation of the goods of which the value is to be ascertained

PART III.
—*cont.*

(in this subsection referred to as "the said goods") is being paid by other importers for goods of the like class or description and quality; or

(*b*) if the price aforesaid cannot be determined to the satisfaction of the Commissioners, then to the price at which the said goods or imported goods of the like class or description and quality, are being freely offered for sale in the United Kingdom to purchasers in the ordinary course of trade, less an allowance in respect of duties of customs and reasonable merchanting expenses and profits incidental to the marketing of the goods after importation; or

(*c*) if the last-mentioned price cannot be determined as aforesaid, then to the price at which goods of the like class or description and quality wholly or partly manufactured or produced in the United Kingdom are being freely offered for sale in the United Kingdom to purchasers in the ordinary course of trade, less an allowance in respect of duties of customs which that price would include if the goods had been imported and in respect of reasonable merchanting expenses and profits incidental to the marketing of the goods.

(3) The Commissioners may make regulations for the purpose of giving effect to the provisions of this section, and in particular for requiring any person concerned with the importation of goods into the United Kingdom to furnish to the Commissioners, in such form as they may require, such information as is, in their opinion, necessary for a proper valuation of the goods, and to produce any books of account or other documents of whatever nature relating to the purchase, importation, or sale of the goods by that person.

(4) If any person contravenes or fails to comply with any regulations made under this section, he shall in respect of each offence be liable to a customs penalty of fifty pounds.

16. If, in ascertaining the amount of any duty chargeable on any goods under this Act, any dispute arises as to the value of the goods, the question shall be referred to the arbitration of a referee appointed by

Part III. —*cont.*

the Lord Chancellor, who shall not be an official of any Government Department, and the decision of the referee with respect to the matter in dispute shall be final and conclusive, and sections thirty and thirty-one of the Customs Consolidation Act, 1876, shall apply as if the dispute were such a dispute as is referred to in the said section thirty, with the substitution of the application for a reference to a referee under this section for the commencement of the action or suit mentioned in those sections.

39 & 40 Vict. c. 36.

Conversion of ad valorem duty into duty chargeable by weight or other measure of quantity.

17.—(1) Where at any time it appears to the Treasury, after consultation with the appropriate Department, that any duty chargeable under this Act on goods of any class or description by reference to the value thereof could be levied with greater advantage and convenience if that duty were chargeable by reference to weight or other measure of quantity, the Treasury may by regulations direct that the duty shall be charged by reference to weight or other measure of quantity, as may be specified in the regulations.

(2) The duty to be charged as aforesaid shall be charged at such rate as may be specified in the regulations, being the rate which appears to the Treasury to be equivalent to the rate chargeable by reference to value, and in the case of goods the value of which is subject to seasonal variations, a separate rate shall be specified for each part of the year in respect of which it appears to the Treasury to be necessary, having regard to those variations, to make separate provision.

(3) The Treasury may from time to time make regulations varying the rate specified in any previous regulations so far as is necessary for securing that the rate of duty shall continue to be equivalent to the rate chargeable by reference to value:

Provided that no regulations varying a rate of duty shall come into operation before the expiration of six months from the date when the regulations specifying that rate of duty came into operation.

18. Where, for the purposes of any of the provisions of this Act, it is necessary to ascertain what rate of duty chargeable on goods of any class or description by reference to weight or other measure of quantity is equivalent to a rate of duty chargeable by reference to the value thereof, regard shall be had either—

(*a*) to the average import value as determined by the appropriate Department of goods of that class or description imported in the last half calendar year (or, if the appropriate Department so decides, any longer period not exceeding three years) for which records are available at the time when the rate to be chargeable by reference to weight or other measure of quantity is to be ascertained; or

(*b*) in the case of a duty to be chargeable at different rates for different periods or parts of periods, to the average import value as determined by the appropriate Department of goods of that class or description imported in the corresponding periods, or parts of periods, of the last three preceding calendar years for which records are available as aforesaid.

Provisions as to orders.

19.—(1) Any order made by the Treasury or the Board of Trade under this Act shall be laid before the Commons House of Parliament as soon as may be after it is made.

(2) Any such order as aforesaid imposing a duty of customs shall cease to have effect on the expiration of a period of twenty-eight days from the date on which it is made, unless at some time before the expiration of that period it has been approved by resolution passed by that House, but without prejudice to anything previously done thereunder or to the making of a new order.

(3) Any such order as aforesaid, other than an order imposing a duty of customs, shall cease to have effect if the Commons House of Parliament within a period of twenty-eight days from the date on which the order is laid before the House, resolves that the order shall be annulled, but without prejudice to anything previously done thereunder or to the making of a new order.

(4) In reckoning any such period of twenty-eight days as aforesaid no account shall be taken of any time during which Parliament is dissolved or prorogued,

PART III. —*cont.*

or during which the Commons House is adjourned for more than four days.

(5) Any such order as aforesaid may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions:

Provided that—

(*a*) this subsection shall not apply to an order made under section one of this Act; and

(*b*) an order made on the recommendation of the Committee may, notwithstanding any further recommendation and without any further recommendation, be revoked or varied by the Treasury as they think fit, after consultation with the appropriate Department, except that the rate of an additional duty shall not be increased above the rate specified in the original recommendation without a further recommendation.

Declaration as to operation of s. 8 of 16 & 17 Geo. 5. c. 22.

20. For the removal of doubts, it is hereby declared that section eight of the Finance Act, 1926 (which exempts from duties of customs, with certain exceptions, goods proved to the satisfaction of the Commissioners to have been manufactured or produced more than one hundred years before the date of importation) applies in relation to duties of customs chargeable under this Act.

Interpretation.

21.—(1) In this Act, unless the context otherwise requires:—

The expression "appropriate Department" means—

(*a*) in relation to agricultural or horticultural produce of a class or description produced in the United Kingdom or used for the purpose of agriculture or horticulture in the United Kingdom, and in relation to the produce of any fishing industry, the Board of Trade, the Minister of Agriculture and Fisheries, and the Secretaries of State concerned with agriculture and the fishing industry in Scotland and Northern Ireland respectively, acting jointly;

(*b*) in relation to any other goods, the Board of Trade, acting alone:

PART III. —*cont.*

The expression "the Commissioners" means the Commissioners of Customs and Excise:

The expression "the Committee" means the Import Duties Advisory Committee:

The expression "the United Kingdom" does not include the Isle of Man:

The expression "the British Empire" means His Majesty's dominions outside the United Kingdom (including all parts of India), territories under His Majesty's protection, territories in respect of which a mandate of the League of Nations is being exercised by the Government of any dominion within the meaning of the Statute of Westminster, 1931, and any territory in respect of which a mandate of the League of Nations is being exercised by the Government of the United Kingdom and to which section five of this Act has been declared by Order in Council to apply as if it were a territory under His Majesty's protection.

(2) If any question arises as to who was, or is, the appropriate Department in relation to any provision of this Act, the question shall be referred to the Treasury, whose decision shall for all purposes be final.

(3) For the purposes of this Act references to goods produced in the United Kingdom or to goods produced in any other country shall be deemed to include fish of British taking, or fish of that other country's taking, as the case may be.

Exercise of powers of Board of Trade under Act.

22. Any order or regulations authorised under this Act to be made by the Board of Trade may be made by the President of the Board or in his absence by a Secretary of State, and any other thing required or authorised under this Act to be done by, to, or before the Board of Trade may be done by, to, or before the President of the Board or any person authorised by him in that behalf.

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23. This Act may be cited as the Import Duties Act, 1932.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

GOODS EXEMPTED FROM THE GENERAL AD VALOREM DUTY.

Gold and silver bullion and coin; platinum in grain, ingot bar, or powder.
Wheat in grain.
Maize in grain.
Meat, that is to say, beef, veal, mutton, lamb, pork, bacon, ham and edible offals, but not including extracts and essences of meat or meat preserved in any airtight container.
Live quadruped animals.
Fish of British taking, including shell-fish.
Whale oil and whale products shown to the satisfaction of the Commissioners to have been produced or manufactured in floating factories which are British concerns.
Tea.
Cotton (raw) (including unmanufactured cotton waste and unbleached cotton linters).
Flax and true hemp (cannabis sativa), not further dressed after scutching or decorticating; tow of flax and true hemp (cannabis sativa).
Cotton seed, rape seed and linseed.
Wool and animal hair (raw), whether cleaned, scoured or carbonised or not; rags of wool not pulled; wool noils; and wool waste not pulled or garnetted.
Hides and skins (including fur skins, but not including goat skins), raw, dried, salted or pickled, but not further treated.
Newspapers, periodicals, printed books and printed music.
Newsprint, that is to say, paper in rolls containing not less than 70 per cent. of mechanical wood pulp and of a weight of not less than 20 lbs. or more than 25 lbs. to the ream of 480 sheets of double crown, measuring 30 inches by 20 inches.
Wood pulp and esparto.
Rubber (raw) including crepe; rubber latex; gutta-percha (raw).
Metallic ores, concentrates and residues; scrap metals and wastes fit only for the recovery of metal.
Iron pyrites, including cupreous pyrites.

1st Sch. —*cont.*

Copper unwrought, whether refined or not, in ingots, bars, blocks, slabs, cakes, and rods.
Wooden pit-props.
Sulphur.
Mineral phosphates of lime.
Potassium carbonate, chloride and sulphate; kainite and other mineral potassium fertiliser salts.
Cinchona bark.
Coal, coke, and manufactured fuel of which coal or coke is the chief constituent.
Unset precious and semi-precious stones and pearls.
Radium compounds and ores.
Scientific films, that is to say, cinematograph films exempted under the provisions of section eight of the Finance Act, 1928, from the customs duty imposed by section three of the Finance Act, 1925.
Flint, unground.
Soya beans.
Cork, raw and granulated, cork shavings and waste.
Ramie, not dressed.

SECOND SCHEDULE.

Sections 1 and 3.

Recommendation and Allowance of Drawback.

1. The Treasury, on receiving a recommendation from the Committee to the effect that a drawback of any duties which are chargeable under Part I. of this Act or which the Committee recommend should be so chargeable, ought to be allowed in respect of any class or description of goods, may, after consultation with the appropriate Department and subject to the provisions of this Schedule, by order give such directions as they think proper for the allowance of the drawback hereinafter provided in respect of goods of that class or description.

2. In deciding what recommendation, if any, to make for the purposes of this Schedule in relation to goods of any class or description, the Committee shall have regard to the general interests of the industries concerned, including the export trade, and to the facilities available for warehousing in bond and otherwise for enabling goods intended for re-exportation to be dealt with without payment of duty.

3. The drawback aforesaid may be allowed in the following case, that is to say, on the exportation, or shipment as stores, of goods which are exported or so shipped, either by the importe[illegible] or by some person who has taken delivery thereof directly fro[illegible] the importer, in the same state as that in which they we[illegible] imported, and which have not been used.

2nd Sch. —*cont.*

4. The drawback to be allowed shall be an amount equal to the aggregate amount of the duty or duties chargeable as aforesaid which is proved to the satisfaction of the Commissioners to have been paid.

Section 6.

THIRD SCHEDULE.

Supplementary Provisions as to Imperial Preference.

Part I.

Provisions of Section 8 of the Finance Act, 1919, as modified and applied for the purpose of Sections 4 and 5 of this Act.

1. For the purpose of ascertaining whether any goods are free from the general ad valorem duty or any additional duty as being goods consigned from and manufactured in a part of the British Empire, the goods shall not be deemed to have been manufactured in a part of the British Empire unless such proportion of their value as is prescribed by regulations made by the Board of Trade is derived from materials grown or produced or from work done within a part of the British Empire, and for the purpose of this paragraph the value of any goods shall, notwithstanding any other provision of this Act, be taken to be their value as ascertained in accordance with the regulations aforesaid.

2. Where the Board of Trade is satisfied that goods of any class or description are to a considerable extent manufactured in a part of the British Empire from material which is not wholly grown or produced in a part of the British Empire, the Board may by regulations direct that goods of that class or description shall be free from duty, as being goods consigned from and manufactured in a part of the British Empire, only in respect of such proportion of the goods as corresponds to the proportion of material used in their manufacture which is shown to have been grown or produced in a part of the British Empire.

3. Where goods are manufactured in a bonded factory in the United Kingdom from dutiable material shown to the satisfaction of the Commissioners to have been consigned from and grown or produced in a part of the British Empire, the goods shall, to the extent to which they are shown to have been anufactured out of such material, be free from the general l valorem duty and any additional duty.

3rd Sch.
—*cont.*

Part II.

Proof of Origin of Goods.

It shall be lawful for the Commissioners on the importation of any goods consigned from any part of the British Empire to require the importer to furnish to the Commissioners, in such form as they may prescribe, proof that the goods were grown, produced or manufactured in a part of the British Empire, and if such proof is not furnished to their satisfaction (having regard, in the case of manufactured goods, to the foregoing provisions of this Schedule) the goods shall not be deemed to be goods so grown, produced or manufactured.

CHAPTER 9.

An Act to give effect to an International Convention for the Safety of Life at Sea, signed in London on the thirty-first day of May, nineteen hundred and twenty-nine, to give effect to an International Load Line Convention signed in London on the fifth day of July, nineteen hundred and thirty, and to amend the provisions of the Merchant Shipping Acts, 1894 to 1928, relating to passenger steamers, life-saving appliances, wireless telegraphy, load lines, timber cargoes, and other matters affected by the said Conventions. [17th March 1932.]

WHEREAS a Convention (in this Act referred to as "the Safety Convention") which is set out in the First Schedule to this Act, was signed on behalf of the Government of the United Kingdom in London on the thirty-first day of May, nineteen hundred and twenty-nine, for promoting safety of life at sea by establishing in common agreement uniform principles and rules directed thereto:

And whereas a Convention (in this Act referred to as "the Load Line Convention") which is set out in the Second Schedule to this Act, was signed on behalf of th Government of the United Kingdom in London on th fifth day of July, nineteen hundred and thirty, for pr moting safety of life and property at sea, by establishi in common agreement uniform principles and rules with regard to the limits to which ships on international voyages may be loaded:

And whereas it is expedient to give effect to the said Conventions and to amend the provisions of the Merchant Shipping Acts, 1894 to 1928, relating to passenger steamers, life-saving appliances, wireless telegraphy, load lines, timber cargoes and other matters affected by the said Conventions:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

SAFETY OF LIFE AT SEA.

Construction and Surveys.

Construction and survey regulations to implement Chapter II of Safety Convention.

1.—(1) The construction regulations applicable to passenger steamers plying on international voyages shall include such requirements as appear to the Board of Trade to implement the provisions relating to construction, machinery, equipment and marking of load lines which are contained in Chapter II of the Safety Convention and the Regulations referred to therein (except in so far as the said provisions are otherwise implemented by the Merchant Shipping Acts):

Provided that—

(*a*) the Board may treat any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one, (not being a steamer converted to passenger service on or after that date) as complying with any such requirement, if the Board are satisfied that such steps, if any, as are reasonable and practicable have been taken to make the steamer comply with that requirement;

(*b*) the Board may, as respects passenger steamers plying on any international coasting voyage, modify any such requirement, if and to the

Part I. —*cont.*

extent that they are satisfied that the risks incurred by passenger steamers plying on that voyage are such as to make it unreasonable or unnecessary to require steamers so plying to comply with that requirement;

(*c*) the Board may, as respects steamers for the time being engaged in any passenger trade in which they are employed in the carriage of large numbers of unberthed passengers, modify any such requirement, if they are satisfied that compliance with that requirement by steamers so engaged is impracticable and to the extent that they are satisfied that modifications are required by the conditions of the trade; and

(*d*) the Board may, as respects any steamer plying on short international voyages, modify any of the requirements of the construction regulations which implement the provisions of the Safety Convention contained in Regulations IX, X, XV and XIX thereof, if and to the extent that the Board are satisfied that that requirement is neither reasonable nor practicable in the case of that steamer.

(2) If it appears to the Board of Trade—

(*a*) that passenger steamers plying on any international voyage incur exceptional risks owing to weather and traffic conditions; and

(*b*) that owing to the small proportion of space allotted to cargo in any steamer constructed after the thirtieth day of June, nineteen hundred and thirty-one, or converted to passenger service after that date, the steamer can be sub-divided to a greater extent than is required by the Safety Convention;

the Board shall direct a ship surveyor to satisfy himself, before stating in a declaration of survey that the steamer is fit to ply on that voyage, that the steamer is sub divided to such greater extent as appears to the Boa to be practicable and expedient in the interest of safet

Part I. —*cont.*

(3) The survey regulations applicable to passenger steamers plying on international voyages shall include such requirements as appear to the Board of Trade to implement the provisions relating to surveys which are contained in Chapter II of the Safety Convention and the Regulations referred to therein (except in so far as the said provisions are otherwise implemented by the Merchant Shipping Acts).

Amendments as to declarations of survey.

2.—(1) A declaration of survey made by a ship surveyor in respect of a passenger steamer shall, instead of stating the particulars required by paragraph (*d*) of subsection (3) of section two hundred and seventy-two of the principal Act, state the voyages or class of voyages on which, as regards construction and equipment, the steamer is in the surveyor's judgment fit to ply.

(2) A declaration of survey made by an engineer surveyor in respect of a passenger steamer shall, instead of stating the particulars required by paragraph (*e*) of subsection (4) of the said section, state the voyages or class of voyages on which, as regards machinery, the steamer is in the surveyor's judgment fit to ply.

(3) If in the judgment of any such surveyor a passenger steamer is fit to ply on international voyages while engaged in a special passenger trade only, his declaration of survey shall state that fact.

Alteration of ships and additional surveys.

3.—(1) The owner or master of a passenger steamer to which this section applies shall, as soon as possible after any alteration is made in the steamer's hull, equipments or machinery which affects the efficiency thereof or the seaworthiness of the steamer, give written notice to the Board of Trade containing full particulars of the alteration, and, if notice is not so given, the owner or master of the steamer shall for each offence be liable to a fine not exceeding fifty pounds.

(2) If the Board of Trade have reason to believe that since the making of the last declaration of survey in respect of a passenger steamer to which this section applies—

(*a*) any such alteration as aforesaid has been made in the hull, equipments or machinery of the steamer; or (*b*) the hull, equipments or machinery of the steamer have sustained any injury or are otherwise insufficient;

the Board may, without prejudice to their powers under section two hundred and seventy-nine of the principal Act, require the steamer to be again surveyed to such extent as they think fit, and, if such requirement is not complied with, may cancel any certificate issued in respect of the steamer under section two hundred and seventy-four of the principal Act or under this Part of this Act.

(3) This section applies to every passenger steamer, whether British or foreign, in respect of which any such certificate as aforesaid is for the time being in force, and for the purpose of this section the expression "alteration" in relation to the hull, equipments or machinery of a steamer includes the renewal of any part thereof.

Life-Saving Appliances.

Rules for life-saving appliances to implement Chapter III of Safety Convention.

4. The rules for life-saving appliances applicable to passenger steamers plying on international voyages shall include such requirements as appear to the Board of Trade to implement the provisions of Chapter III of the Safety Convention and the Regulations referred to therein (except in so far as the said provisions are otherwise implemented by the Merchant Shipping Acts):

Provided that—

(*a*) the Board may, on such conditions as they think fit, exempt any steamer constructed before the first day of July, nineteen hundred and thirty-one, from any such requirement, if and to the extent that they are satisfied that that requirement is either impracticable or unreasonable in the case of that steamer;

(*b*) the Board may, as respects passenger steamers plying on any international coasting voyage, modify any such requirement, if and to the extent that they are satisfied that the risk incurred by steamers plying on that voyag[illegible] are such as to make it unreasonable or unnecessary for such steamers to comply with that requirement;

(*c*) the Board may, as respects passenger steamers engaged in any passenger trade in which they are employed in the carriage of large numbers of unberthed passengers, if they are satisfied that it is impracticable for steamers so engaged to comply with the said requirements, modify the said requirements in such manner as may appear to them to be necessary or expedient for the purpose of giving effect to the provisions of sub-paragraphs (*a*), (*b*) and (*c*) of paragraph 5 of Article twelve of the Safety Convention;

(*d*) the Board may, as respects any passenger steamer plying on short international voyages, make such modifications of the said requirements as appear to them to be authorised by the provisions of the Safety Convention contained in sub-paragraph (*b*) of paragraph 2 of Article thirteen, paragraph (4) of Regulation XXXVI, paragraph (11) of Regulation XXXVII, paragraph (2) of Regulation XXXVIII, and Regulation XXXIX.

Amendments of Merchant Shipping Acts as to life-saving appliances.

5.—(1) The power of the Board of Trade under section four hundred and twenty-seven of the principal Act to make rules for life-saving appliances shall include power to make rules with respect to all or any of the following matters, namely:—

(*a*) the marking of boats, lifeboats, life-rafts and buoyant apparatus so as to show the dimensions thereof and the number of persons authorised to be carried thereon;

(*b*) the manning of boats and lifeboats and the qualifications and certificates of lifeboat men;

(*c*) the provision to be made for mustering the passengers and crew and for embarking them in the boats and lifeboats (including provision as to the lighting of, and as to the means of ingress to, and egress from, different parts of the ship);

Part I.
—*cont.*

(*d*) the practising of boat drills;

(*e*) the assignment of specific duties to each member of the crew in the event of emergency;

(*f*) the methods to be adopted and the appliances to be carried for the prevention, detection and extinction of fire.

(2) Subsection (1) of section four hundred and thirty of the principal Act (which imposes penalties for failure to comply with the rules for life-saving appliances) shall be amended by inserting after paragraph (*d*) thereof the following paragraph:—

> " (*e*) if any provision of the rules for life-saving appliances applicable to the ship is contravened or not complied with."

(3) The following section shall be substituted for section four hundred and thirty-one of the principal Act:—

> " 431.—(1) A surveyor of ships may inspect any ship for the purpose of seeing that the rules for life-saving appliances have been complied with in her case, and for the purpose of any such inspection shall have all the powers of a Board of Trade Inspector under this Act.
>
> (2) If the surveyor finds that the rules for life-saving appliances have not been complied with, he shall give written notice to the owner or master stating in what respect the said rules have not been complied with, and what, in his opinion, is required to rectify the matter.
>
> (3) Every notice so given shall be communicated in manner directed by the Board of Trade to the Chief Officer of Customs of any port at which the ship may seek to obtain a clearance or transire, and a clearance or transire shall not be granted to the ship and the ship shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the matter has been rectified."

(4) Subsection (4) of section two hundred an
seventy-two of the principal Act (which relates to th
statements to be made in the declaration of survey mac

PART I. —*cont.*

by an engineer surveyor) shall be amended by substituting in paragraph (*c*) thereof the words "appliances for the prevention, detection and extinction of fire" for the words "fire hose", and subsection (2) of section two hundred and eighty-five of the principal Act shall cease to have effect.

6 Edw. 7. c. 48.

(5) Subsection (1) of section nine of the Merchant Shipping Act, 1906, (which requires the master of every British ship to enter in the official log book a statement of every occasion on which boat drill is practised on board the ship) shall be amended by inserting at the end thereof the words "and if, in the case of a passenger "steamer, boat drill is not practised on board the ship "in any week, the master shall enter a statement of "the reasons why boat drill was not practised in that "week."

Wireless Telegraphy.

Wireless telegraphy rules to implement Chapter IV of Safety Convention.

6.—(1) The wireless telegraphy rules applicable to ships plying on international voyages shall include such requirements as appear to the Board of Trade, after consultation with the Postmaster-General, to implement the provisions of Chapter IV of the Safety Convention (except in so far as the said provisions are otherwise implemented by the Merchant Shipping Acts).

(2) The wireless telegraphy rules shall further require that the wireless telegraph installation to be provided on passenger steamers of five thousand tons gross tonnage or upwards shall (after such date not being later than two years after the commencement of this Part of this Act as may be prescribed by the rules) include a wireless direction finding apparatus as required by Article forty-seven and paragraph 17 of Article thirty-one of the Safety Convention.

7.—(1) The power of the Board of Trade, in consultation with the Postmaster-General, to make rules under subsection (2) of section one of the Merchant Shipping (Wireless Telegraphy) Act, 1919, shall include power to make rules—

(*a*) requiring the master of a ship to enter in the official log book such particulars relating to the operation of the wireless telegraph installation and as to the maintenance of the wireless

Part I.
—*cont*

telegraph service, as may be specified in the rules; and

(*b*) making provision as to the certificates to be held by, and the duties of, operators and watchers.

(2) If the master of a British ship registered in the United Kingdom fails to comply with any such requirement, or if any operator or watcher on any such ship contravenes the said rules, he shall for each offence be liable to a fine not exceeding ten pounds.

(3) The Board of Trade shall not, in pursuance of the powers conferred on them by the said Act, exempt from the obligations imposed by that Act any ship plying on international voyages, unless the exemption of the ship appears to the Board to be authorised by paragraph 2 of Article twenty-seven, or by Article twenty-eight, of the Safety Convention.

(4) For the purposes of subsection (2) of section three of the said Act the expression " passengers " shall have the same meaning as it has for the purpose of Part III of the principal Act.

Appointment of wireless telegraphy surveyors.

8. A person appointed to be a surveyor of ships under section seven hundred and twenty-four of the principal Act may be appointed as a wireless telegraphy surveyor:

Provided that the functions of the Board of Trade under the said section with respect to surveyors of ships shall not be exercised with respect to wireless telegraphy surveyors except with the approval of the Postmaster-General.

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9.—(1) The surveys of a passenger steamer required by the principal Act shall, in the case of every survey made after the commencement of this Part of this Act in respect of a sea-going steamer which is not exempt under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act, include a survey by a wireless telegraphy surveyor, and accordingly subsection (1) of section two hundred and seventy-two of that Act shall be amended by inserting after the words " engineer surveyor of ships " the words " and, in the case of a sea-going passenge

Part I. —*cont.*

steamer required to be provided with a wireless telegraph installation, by a wireless telegraphy surveyor."

(2) The following subsection shall be inserted at the end of the said section two hundred and seventy two:—

> "(5) The declaration of the wireless telegraphy surveyor shall contain statements of the following particulars, namely:—
>
> (*a*) the voyages or class of voyages on which, as regards wireless telegraphy, the steamer is fit to ply;
>
> (*b*) that, having regard to the tonnage of the steamer and the voyages or class of voyages on which she is declared to be fit to ply, the wireless telegraph installation complies with the wireless telegraphy rules;
>
> (*c*) that the certificates of the wireless telegraphy operators and watchers are such as are required by those rules."

(3) Section two hundred and seventy-five of the principal Act (which provides for appeals to a court of survey by persons aggrieved by the declaration of survey of a ship or engineer surveyor) shall be amended by inserting the words "or wireless telegraphy surveyor" after the words "engineer surveyor" in both places where they occur.

Survey of ships other than passenger steamers by wireless telegraphy veyors.

10. The owner of every British ship of sixteen hundred tons gross tonnage or upwards registered in the United Kingdom, not being a passenger steamer or a ship exempt under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act, shall, before the ship first proceeds to sea on an international voyage from a port in the United Kingdom after the expiration of twelve months from the commencement of this Part of this Act and once in each year thereafter, cause the ship to be surveyed by a wireless telegraphy surveyor in the same manner as if she were a passenger steamer required to be provided with a wireless telegraph installation, and the provisions of sections two hundred and seventy-two, two hundred and seventy-three and two hundred and seventy-five of the principal Act shall apply accordingly.

Certificates.

Issue of safety certificates and passenger steamers' exemption certificates.

11.—(1) If the Board of Trade, on receipt of declarations of survey in respect of a passenger steamer, are satisfied that the steamer complies with all the construction regulations, rules for life-saving appliances and wireless telegraphy rules applicable to passenger steamers plying on international voyages, the Board shall, on the application of the owner of the steamer, issue in respect of the steamer a safety certificate stating that the steamer complies with the requirements of the Safety Convention, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as "a general safety certificate."

(2) If, on receipt of declarations of survey in respect of a passenger steamer in the case of which the Board of Trade have modified the construction regulations or the rules for life-saving appliances in pursuance of the foregoing provisions of this Act relating to steamers plying on short international voyages, the Board are satisfied that the steamer complies with the said regulations and rules as so modified, and also complies with the wireless telegraphy rules applicable to steamers plying on international voyages, the Board shall, on the application of the owner of the steamer, issue in respect of the steamer a safety certificate stating that the steamer complies with the requirements of the Safety Convention applicable to a short international voyage, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as "a short voyage safety certificate."

(3) If the Board of Trade, on receipt of declarations of survey in respect of a passenger steamer, are satisfied that the steamer—

(*a*) complies with all the construction regulations and rules for life-saving appliances applicable to passenger steamers plying on international voyages or with those regulations and rules as modified in her case in pursuance of the foregoing provisions of this Act relating to steamers plying on short international voyages, and also is exempt under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act; or

Part I.
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(*b*) complies with the construction regulations and the rules for life-saving appliances applicable to steamers plying on any international coasting voyage or steamers engaged in any special passenger trade, and also either complies with the wireless telegraphy rules applicable to steamers plying on international voyages or is exempt under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act;

the Board shall, on the application of the owner of the steamer, issue in respect of the steamer—

(i) a safety certificate stating in what respects the steamer complies with the requirements of the Safety Convention; and

(ii) an exemption certificate stating that so long as the steamer plies on the voyages, and is engaged in the trades, and complies with the conditions (if any) specified in the certificate, the steamer is exempt in other respects from the requirements of the said Convention;

and any safety certificate and exemption certificate issued under this subsection are hereafter in this Part of this Act respectively referred to as "a qualified safety certificate" and "a passenger steamer's exemption certificate."

(4) For the purposes of this section, the Board of Trade may treat—

(*a*) any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one, (not being a steamer converted to passenger service on or after that date) as complying with the construction regulations applicable in the circumstances; and

(*b*) any passenger steamer constructed before the first day of July, nineteen hundred and thirty-one, as complying with the rules for life-saving appliances applicable in the circumstances;

if they are satisfied that such steps (if any) as are reasonable and practicable have been taken to make the steamer comply with those regulations or rules, as the ase may be.

(5) The provisions of this section shall, subject to the provisions hereafter contained in this Part of this Act, apply only to British passenger steamers registered in the United Kingdom.

Modification of safety certificates as respects life-saving appliances.

12.—(1) If, on any international voyage, a British passenger steamer registered in the United Kingdom in respect of which a safety certificate is in force has on board a total number of persons less than the number stated in that certificate to be the number for which the life-saving appliances on the steamer provide, the Board of Trade, or any person authorised by them for the purpose, may, at the request of the master of the steamer, issue a memorandum stating the total number of persons carried on the steamer on that voyage, and the consequent modifications which may be made for the purpose of that voyage in the particulars with respect to life-saving appliances stated in the certificate, and that memorandum shall be annexed to the certificate.

(2) Every such memorandum shall be returned to the Board of Trade at the end of the voyage to which it relates, and, if it is not so returned, the master of the steamer shall be liable to a fine not exceeding twenty pounds.

Issue of wireless telegraphy certificates and wireless telegraphy exemption certificates.

13.—(1) On receipt of a declaration of survey by a wireless telegraphy surveyor in respect of a British ship registered in the United Kingdom not being a passenger steamer, the Board of Trade shall, if satisfied that the ship complies with the wireless telegraphy rules applicable to ships (other than passenger steamers) plying on international voyages, issue a certificate stating that the ship complies with the requirements of the Safety Convention relating to wireless telegraphy, and any certificate issued under this subsection is hereafter in this Part of this Act referred to as "a wireless telegraphy certificate."

(2) Where any such ship is exempted under the Merchant Shipping (Wireless Telegraphy) Act, 1919, from the obligations imposed by that Act, the Board of Trade, on the application of the owner of the ship, shall issue an exemption certificate stating tha the ship is exempted from the requirements of th Safety Convention relating to wireless telegraphy a specifying the voyages on which, and conditions (if ar on which, the ship is so exempted, and any certifica

Part I. —*cont.*

issued under this subsection is hereafter in this Part of this Act referred to as "a wireless telegraphy exemption certificate."

Prohibition on proceeding to sea without certificate.

14.—(1) No ship to which this section applies shall proceed to sea on an international voyage from a port in the United Kingdom after the expiration of twelve months from the commencement of this Part of this Act, unless there is in force in respect of the ship—

(*a*) in the case of a ship being a passenger steamer, either—

(i) a general safety certificate; or

(ii) a short voyage safety certificate; or

(iii) a qualified safety certificate and passenger steamer's exemption certificate;

being a certificate or certificates which by the terms thereof is or are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged;

(*b*) in the case of a ship not being a passenger steamer, either—

(i) such certificate or certificates as would be required in her case by the foregoing provisions of this section if she were a passenger steamer; or

(ii) a wireless telegraphy certificate; or

(iii) a wireless telegraphy exemption certificate which by the terms thereof is applicable to the voyage on which the ship is about to proceed.

(2) If any ship to which this section applies proceeds, or attempts to proceed, to sea in contravention of this section—

(*a*) in the case of a ship being a passenger steamer, the master or owner of the steamer shall, without prejudice to any other remedy or penalty under the Merchant Shipping Acts, be liable for each offence to a fine not exceeding ten pounds for every passenger carried on board the steamer, and the master or owner of any tender by means of which passengers are taken on board the steamer shall for each offence be liable to a like penalty for every passenger so taken on board; and

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(*b*) in the case of a ship not being a passenger steamer, the master or owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

(3) The master of every ship to which this section applies shall produce to the officer of customs from whom a clearance for the ship is demanded for an international voyage, the certificate or certificates required by the foregoing provisions of this section to be in force when the ship proceeds to sea, and a clearance shall not be granted, and the ship may be detained, until the said certificate or certificates are so produced.

(4) Where a passenger steamer's exemption certificate or wireless telegraphy exemption certificate issued in respect of any ship to which this section applies specifies any conditions on which the certificate is issued and those conditions are contravened, the master or owner of the ship shall for each offence be liable to a fine not exceeding one hundred pounds.

(5) This section applies to British ships registered in the United Kingdom, being passenger steamers or being ships of sixteen hundred tons gross tonnage or upwards.

Miscellaneous provisions as to certificates.

15.—(1) A safety certificate, wireless telegraphy certificate, or exemption certificate issued by the Board of Trade shall not be in force for more than one year from the date of its issue, nor after notice is given by the Board to the owner, agent, or master of the ship in respect of which it has been issued, that the Board have cancelled the certificate.

(2) If a British ship registered in the United Kingdom, in respect of which any such certificate has been issued, is absent from the United Kingdom at the date when the certificate expires, the Board of Trade, or any person authorised by them for the purpose, may, if it appears proper and reasonable so to do, grant such an extension of the certificate as will allow the ship to return to the United Kingdom, but no such extension shall have effect for a period exceeding five months from the said date.

(3) Every such certificate shall be in such form a
may be prescribed by rules made by the Board of Trad
and those rules shall make such provision as appears
the Board to be necessary for the purpose of givi

PART I. —*cont.*

effect to the provisions of Article fifty-one of the Safety Convention, and may provide for combining a safety certificate in one document with a passenger steamer's certificate.

(4) Any such certificate, and any passenger steamer's certificate combined in one document with a safety certificate, may be signed on behalf of the Board of Trade by any person authorised by the Board for the purpose, and a certificate purporting to be so signed shall be admissible in evidence in like manner as if it had been signed by one of the persons mentioned in section seven hundred and nineteen of the principal Act.

(5) The following provisions of the principal Act shall apply to and in relation to every such certificate issued by the Board of Trade in the same manner as they apply to and in relation to a passenger steamer's certificate, namely, section two hundred and seventy-six (which relates to the transmission of the certificate to the owner of the steamer), section two hundred and seventy-seven (which relates to the fees to be paid for the certificate), section two hundred and seventy-nine (which relates to the cancellation of the certificate), section two hundred and eighty (which relates to the delivery up of the certificate) and section two hundred and eighty-one (which relates to the posting up of the certificate on the ship).

(6) The Board of Trade may request the Government of a country to which the Safety Convention applies to issue a general safety certificate, a short voyage safety certificate or a wireless telegraphy certificate in respect of a British ship registered in the United Kingdom, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Board.

Provisions as to Safety Convention Ships not registered in the United Kingdom.

16.—(1) The Board of Trade may, at the request of the Government of a country to which the Safety Convention applies, issue a general safety certificate, a hort voyage safety certificate or a wireless telegraphy ertificate in respect of a ship of that country if they are

Part I. —*cont.*

satisfied in like manner as in the case of a British ship registered in the United Kingdom that they can properly issue the certificate, and, where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

(2) With a view to determining the validity in the United Kingdom of certificates purporting to have been issued in accordance with the Safety Convention in respect of Safety Convention ships not registered in the United Kingdom, the Board of Trade shall make such regulations as appear to the Board to be necessary for the purpose of giving effect to Article fifty-five of the Safety Convention, and, for the purpose of the provisions hereafter contained in this Part of this Act relating to Safety Convention ships not registered in the United Kingdom, the expression "a valid Safety Convention certificate" means a certificate or certificates complying with such of those regulations as are applicable in the circumstances.

(3) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer, not registered in the United Kingdom, and there is attached to the certificate a memorandum which—

(*a*) has been issued by or under the authority of the Government of the country to which the steamer belongs; and

(*b*) modifies for the purpose of any particular voyage, in view of the number of persons actually carried on that voyage, the particulars stated in the certificate with respect to life-saving appliances;

the certificate shall have effect for the purpose of that voyage as if it were modified in accordance with the memorandum.

17.—(1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—

(*a*) the provisions of the principal Act and of th Act as to the survey of passenger steam by engineer and wireless telegraphy survey shall be deemed to have been complied with the case of the steamer;

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(*b*) the survey by the ship surveyor shall be limited to ascertaining the number of passengers which the steamer is fit to carry, and it shall not be necessary for the declaration of survey made by that surveyor to contain a statement of any further particulars than those set out in paragraph (*e*) of subsection (3) of section two hundred and seventy-two of the principal Act (which relates to the said number of passengers);

(*c*) on receipt of such a declaration, the Board of Trade shall issue a certificate under section two hundred and seventy-four of the principal Act containing only a statement of the particulars set out in paragraph (*b*) of that section (which relates to the said number of passengers), and a certificate so issued shall have effect as a passenger steamer's certificate.

(2) Where there is produced in respect of any such passenger steamer a valid Safety Convention certificate, and also a certificate issued by or under the authority of the Government of the country to which the steamer belongs, showing the number of passengers which the steamer is fit to carry, and the Board of Trade are satisfied that that number has been determined substantially in the same manner as in the case of a British steamer registered in the United Kingdom, the Board may if they think fit dispense with the survey of the steamer mentioned in the last foregoing subsection and direct that the last mentioned certificate shall have effect as a passenger steamer's certificate.

Miscel-
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18. Where a valid Safety Convention certificate is produced in respect of a Safety Convention passenger steamer not registered in the United Kingdom—

(*a*) the steamer shall be exempt from the following enactments, namely, paragraphs (*d*) and (*f*) of subsection (1) of section two hundred and ninety of the principal Act (which relate to the equipment of emigrant ships), and sections four hundred and twenty-seven to four hundred and thirty-one of that Act (which relate to life-saving appliances); and

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(*b*) the steamer shall not be deemed to be unsafe for the purposes of sections four hundred and fifty-nine or four hundred and sixty-two of the principal Act by reason of the defective condition of her hull, equipment or machinery, unless it appears that the steamer cannot proceed to sea without danger to the passengers or crew owing to the fact that the actual condition of the steamer does not correspond substantially with the particulars stated in the certificate.

Wireless telegraphy provisions applicable to ships holding Convention certificate.

19.—(1) Where a valid Safety Convention certificate is produced in respect of a Safety Convention ship not registered in the United Kingdom, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or upwards, then—

(*a*) if the certificate shows that the ship is wholly exempt from the provisions of the Safety Convention relating to wireless telegraphy, the ship shall be exempt from the provisions of the Merchant Shipping (Wireless Telegraphy) Act, 1919;

(*b*) if the certificate shows that the ship is not wholly exempt from the said provisions of the Safety Convention, the following provisions of this section shall apply to the ship in lieu of the provisions of the said Act.

(2) A surveyor of ships may inspect the ship for the purpose of seeing that the wireless telegraph installation and the number of certified operators and watchers carried on the ship correspond substantially with the particulars stated in the certificate.

(3) If it appears to the surveyor that the ship cannot proceed to sea without danger to the passengers or crew owing to the fact that the wireless telegraph installation or the number of operators or watchers does not correspond substantially with the said particulars, the surveyor shall give to the master notice in writing pointing out the deficiency and also pointing out wha in his opinion, is requisite to remedy the deficiency.

(4) Every notice so given shall be communicated manner directed by the Board of Trade to the ch officer of customs of any port at which the ship m

PART I. —*cont.*

seek to obtain a clearance or transire and to the consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and a clearance or transire shall not be granted to the ship, and the ship shall be detained, until a certificate under the hand of a surveyor of ships is produced to the effect that the deficiency has been remedied.

Duty to produce Convention certificate.

20. The master of every Safety Convention ship not registered in the United Kingdom, being a passenger steamer or being a ship of sixteen hundred tons gross tonnage or upwards, shall produce a valid Safety Convention certificate to the officer of customs, from whom a clearance for the ship is demanded in respect of an international voyage from a port in the United Kingdom after the expiration of twelve months from the commencement of this Part of this Act, and a clearance shall not be granted, and the ship may be detained, until such a certificate is so produced.

Modification of existing provisions for exemption of ships not registered in United Kingdom. 6 Edw. 7. c. 48.

21.—(1) The proviso to section four of the Merchant Shipping Act, 1906, (which provides for the exemption, in certain circumstances, of foreign ships from the provisions of the principal Act relating to life-saving appliances) and any Order in Council made thereunder shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to Safety Convention passenger steamers plying on international voyages.

15 & 16 Geo. 5. c. 37.

(2) The Merchant Shipping (Equivalent Provisions) Act, 1925, (which provides for the exemption, in certain circumstances, of foreign ships and British ships registered outside the United Kingdom from certain provisions of the Merchant Shipping Acts) and any Order in Council made thereunder shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to—

(*a*) Safety Convention ships, being passenger steamers plying on international voyages, in respect of the exemption of such ships from any provision of the Merchant Shipping Acts relating to the survey and certification of passenger steamers, to life-saving appliances or to wireless telegraphy ; and (*b*) other Safety Convention ships so plying, in respect of the exemption of such ships from any provision of the Merchant Shipping Acts relating to wireless telegraphy.

(3) Section two hundred and eighty-four of the principal Act (which provides for the recognition of colonial passenger steamers' certificates) and any Order in Council made thereunder, and section three hundred and sixty-three of that Act (which provides for the exemption of foreign passenger steamers from survey) shall, on the expiration of twelve months from the commencement of this Part of this Act, cease to apply to Safety Convention passenger steamers plying on international voyages.

Miscellaneous Provisions for furthering Safety of Life at Sea.

Duties as to watertight doors and other contrivances.

22. The rules set out in the Third Schedule to this Act with respect to watertight doors and other contrivances shall be complied with in every British passenger steamer registered in the United Kingdom, and if any of the said rules is contravened in the case of any such steamer, the master thereof shall for each offence be liable to a fine not exceeding one hundred pounds.

Submersion of subdivision load lines.

23.—(1) Where—

(*a*) a British passenger steamer registered in the United Kingdom has been marked with subdivision load lines, that is to say, load lines indicating the depth to which the steamer may be loaded having regard to the extent to which she is subdivided and to the space for the time being allotted to passengers; and

(*b*) the appropriate subdivision load line, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the steamer, is lower than the load line indicating the maximum depth to which the steamer is for the time being entitled under Part II of this Act to be loaded;

the steamer shall not be so loaded as to submerge th appropriate subdivision load line on each side of th steamer when the steamer has no list.

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(2) If any such steamer is loaded in contravention of this section, the owner or master of the steamer shall for each offence be liable to a fine not exceeding one hundred pounds and to such additional fine, not exceeding the amount hereinafter specified, as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(3) The said additional fine shall not exceed one hundred pounds for every inch or fraction of an inch by which the appropriate subdivision load line on each side of the ship was submerged, or would have been submerged if the ship had had no list.

(4) Without prejudice to any proceedings under the foregoing provisions of this section, any such steamer which is loaded in contravention of this section may be detained until she ceases to be so loaded.

(5) The foregoing provisions of this section shall apply to passenger steamers not registered in the United Kingdom, while they are within any port in the United Kingdom, as they apply to British passenger steamers registered in the United Kingdom.

Report of dangers to navigation.

24.—(1) The master of any British ship registered in the United Kingdom, on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation, shall send information accordingly, by all means of communication at his disposal and in accordance with rules to be made for the purposes of this section, to ships in the vicinity and to such authorities on shore as may be prescribed by those rules.

(2) Rules for the purposes of this section shall be made by the Board of Trade and shall make such provision as appears to the Board to be necessary for the purpose of giving effect to the provisions of Article forty-four (so far as it relates to safety signals) and of Regulation XLVI of the Safety Convention.

(3) If the master of a ship fails to comply with the provisions of this section, he shall for each offence be liable to a fine not exceeding fifty pounds.

(4) Every person in charge of a wireless telegraph station which is under the control of the Postmaster General, or which is established or installed under licence by the Postmaster General, shall, on receiving the signal

Part I. *—cont.*

prescribed by the said rules for indicating that a message is about to be sent under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message, and, if so required by the Board of Trade, shall transmit the message in such manner as may be required by the Board, and compliance with this subsection shall be deemed to be a condition of every licence granted by the Postmaster General under the Wireless Telegraphy Act, 1904: 4 Edw. 7. c. 24.

Provided that nothing in this subsection shall interfere with the transmission by wireless telegraphy of any signal of distress or urgency prescribed under the next following section of this Act.

(5) For the purposes of this section, the expression "tropical storm" means a hurricane, typhoon, cyclone, or other storm of a similar nature, and the master of a ship shall be deemed to have met with a tropical storm if he has reason to believe that there is such a storm in his vicinity.

(6) The Derelict Vessels (Report) Act, 1896, shall cease to have effect. 59 & 60 Vict. c. 12.

Provisions as to signals.

25.—(1) His Majesty in Council may prescribe what signals shall be signals of distress and urgency, and the signals so prescribed shall be deemed to be signals of distress and urgency respectively.

(2) Rules may be made by the Board of Trade prescribing the circumstances in and the purposes for which any signal prescribed by Order in Council under the last foregoing subsection is to be used, the circumstances in which it is to be revoked and the speed at which any message sent by wireless telegraphy in connection with the signal is to be transmitted, and those rules shall make such provision as appears to the Board to be necessary for the purpose of giving effect to Articles forty-two and forty-three of the Safety Convention and to Article forty-four thereof so far as it relates to signals of distress and urgency.

(3) If the master of a ship uses or displays or cause
or permits any person under his authority to use
display—

(*a*) any signal prescribed by Order in Council und
this section except in the circumstances a

Part I.
—*cont.*

for the purposes prescribed by the rules made under this section; or

(*b*) any private signal, whether registered or not, which is liable to be mistaken for any signal so prescribed by Order in Council;

he shall for each offence be liable to a fine not exceeding fifty pounds and shall further be liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress or urgency, and that compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

(4) Section four hundred and thirty-four of the principal Act shall cease to have effect, but nothing in this Part of this Act shall affect any rules made under that section which are in force at the commencement of this Part of this Act, and any such rules shall, until revoked, have effect as if they had been made under the foregoing provisions of this section.

(5) In addition to the private signals which the Board of Trade may refuse to register under section seven hundred and thirty-three of the principal Act, the Board may refuse to register any private signal which in their opinion cannot easily be distinguished from signals of urgency or signals prescribed for indicating that a message is about to be sent relating to a danger to navigation, and the Board may revoke the registration of any such signal registered under the said section of the principal Act, if in their opinion it cannot easily be so distinguished.

Obligation
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ce

26.—(1) The master of a British ship registered in the United Kingdom, on receiving on his ship a signal of distress by wireless telegraphy from any other ship, shall proceed with all speed to the assistance of the persons in distress, unless he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to do so, or unless he is released under the rovisions of subsection (3) or subsection (4) of this ction.

(2) The master of any ship in distress may, after nsultation so far as possible with the masters of the

Part I. —*cont.*

ships which answer his signal of distress, requisition such one or more of those ships as he considers best able to render assistance, and it shall be the duty of the master of any British ship registered in the United Kingdom, which is so requisitioned, to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(3) A master shall be released from the obligation imposed by subsection (1) of this section as soon as he is informed by the master of the ship requisitioned, or where more ships than one are requisitioned, all the masters of the ships requisitioned, that he or they are complying with the requisition.

(4) A master shall be released from the obligation imposed by subsection (1) of this section and, if his ship has been requisitioned, from the obligation imposed by subsection (2) of this section, if he receives information that assistance is no longer required.

(5) If the master of a British ship registered in the United Kingdom fails to comply with the foregoing provisions of this section, he shall be guilty of a misdemeanour.

(6) If the master of a British ship registered in the United Kingdom, on receiving on his ship a signal of distress by wireless telegraphy from another ship, is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary, to go to the assistance of the persons in distress, he shall forthwith send a message by wireless telegraphy informing the master of that other ship accordingly, and enter in the official log-book his reasons for not going to the assistance of those persons, and if he fails to do so he shall be liable to a fine not exceeding one hundred pounds.

(7) Nothing in this section shall affect the provisions of section six of the Maritime Conventions Act, 1911, and compliance by the master of a ship with the provisions of this section shall not affect his right, or the right of any other person, to salvage.

1 & 2 Geo. 5. c. 57.

Signalling lamps.

27. No British ship registered in the United Kingdom, being a ship of over one hundred and fifty tons gross tonnage, shall proceed to sea on an international voyage, unless the ship is provided with a signalling lamp,

Part I. —*cont.*

of a type approved by the Board of Trade, and if any ship proceeds or attempts to proceed to sea in contravention of this section, the owner or master thereof shall for each offence be liable to a fine not exceeding twenty pounds.

Carriage of dangerous goods.

28.—(1) The Board of Trade shall make such rules with respect to the carriage of goods on passenger steamers plying on international voyages, as appear to them to be necessary for the purpose of giving effect to the provisions of paragraph 1 of Article twenty-four of the Safety Convention.

(2) If any of the rules made in pursuance of this section is contravened in the case of any British passenger steamer registered in the United Kingdom, the master or owner of the steamer shall for each offence be liable to a fine not exceeding three hundred pounds, and the steamer shall be deemed for the purposes of section four hundred and fifty-nine of the principal Act to be unsafe by reason of improper loading.

(3) Any goods declared to be dangerous in their nature by the rules made under this section shall be deemed to be dangerous goods for the purpose of Part V of the principal Act.

(4) The provisions of this section shall be deemed to be in addition to, and not in substitution for, or in restraint of, any other enactment for the like object, so however that nothing in this section shall be deemed to authorise any person to be sued or prosecuted twice in the same matter.

(5) The foregoing provisions of this section and the rules made thereunder shall apply to passenger steamers not registered in the United Kingdom, while they are within any port in the United Kingdom, as they apply to British passenger steamers registered in the United Kingdom.

Method of giving helm orders.

29.—(1) No person on any British ship registered in the United Kingdom shall when the ship is going ahead give a helm or steering order containing the word "starboard" or "right" or any equivalent of "starboard" or "right", unless he intends that the head of the ship shall move to the right, or give a helm or steering order containing the word "port" or "left",

Part I.—*cont.*

or any equivalent of "port" or "left", unless he intends that the head of the ship shall move to the left.

(2) Any person who contravenes the provisions of this section shall for each offence be liable to a fine not exceeding fifty pounds.

Careful navigation near ice.

30.—(1) The master of a British ship registered in the United Kingdom, when ice is reported on or near his course, shall at night either proceed at a moderate speed or change his course so as to keep amply clear of the ice reported and of the area of danger.

(2) If the master of any such ship fails to comply with this section, he shall for each offence be liable to a fine not exceeding one hundred pounds.

Notice of Atlantic routes.

31.—(1) The owner of any line of passenger steamers crossing the North Atlantic from or to any port in the United Kingdom by regular routes shall give public notice, in such manner as may be directed by the Board of Trade, of the routes which it is proposed that the ships belonging to the line should follow, and of any changes which may be made in those routes.

(2) If the owner of any such line of passenger steamers fails to comply with this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Contribution towards a service for watching ice and derelicts in the North Atlantic.

32. Any sums required for the contribution from the United Kingdom towards maintaining, in accordance with Articles thirty-six and thirty-seven of the Safety Convention, a service in the North Atlantic for the destruction or removal of derelicts, for the study and observation of ice conditions, and for ice patrol, shall be paid by the Board of Trade out of moneys provided by Parliament.

Supplemental.

Amendment of s. 267 of principal Act.

33. For the purposes of Part III of the principal Act, the expression "passenger" shall not include any person who is on board a ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented

PART I. —*cont.*

or forestalled, and accordingly section two hundred and sixty-seven of the principal Act shall be amended by inserting after the words "family and servants" the words "and persons on board the ship either in pur-" suance of the obligation laid upon the master to carry " shipwrecked, distressed or other persons or by reason " of any circumstance which neither the master nor the " owner nor the charterer (if any) could have prevented " or forestalled."

Power to amend rules and regulations to correspond with amendments of Safety Convention.

34. Where the Board of Trade are required by this Part of this Act to give effect to, or implement, any provision of the Safety Convention by any rules or regulations, and that provision is amended in pursuance of Article sixty-one of that Convention, the Board may amend the rules or regulations accordingly.

Certain rules and regulations to be laid before Parliament.

35.—(1) Where any of the construction regulations, survey regulations or rules for life-saving appliances applicable to passenger steamers plying on international voyages, or any of the wireless telegraphy rules applicable to ships plying on international voyages, being a regulation or rule made after the passing of this Act and in force at the commencement of this Part of this Act, contains, in the opinion of the Board of Trade, a requirement which—

(*a*) is at variance with any specific requirement of the Safety Convention; and

(*b*) was not contained in the regulations or rules in force at the passing of this Act;

the regulation or rule, as the case may be, shall be laid before each House of Parliament as soon as may be after the commencement of this Part of this Act.

(2) Where any of the construction regulations, survey regulations or wireless telegraphy rules, being a regulation or rule applicable as aforesaid and made after the commencement of this Part of this Act, contains, in the opinion of the Board of Trade, such a requirement as aforesaid, it shall be laid before each House of Parliament as soon as may be after it is made.

(3) All rules for life-saving appliances made after the commencement of this Part of this Act shall be laid before each House of Parliament as soon as may

be after they are made, together with a report stating whether any, and if so which, of the rules applicable to passenger steamers plying on international voyages contains, in the opinion of the Board of Trade, such a requirement as aforesaid, and all rules for life-saving appliances made before the commencement of this Part of this Act, which have not come into force before the commencement of this Part of this Act, shall be laid before each House of Parliament as soon as may be after the commencement of this Part of this Act, together with such a report as aforesaid.

(4) If either House within the next subsequent twenty days on which that House has sat after—

(*a*) any regulation or rule is laid before it in pursuance of subsection (1) or subsection (2) of this section; or

(*b*) any rule is laid before it which is reported in pursuance of subsection (3) of this section to contain such a requirement as aforesaid;

resolves that the regulation or rule shall be annulled, the regulation or rule shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of a new regulation or rule.

(5) Subsection (2) of section four hundred and twenty-seven of the principal Act shall cease to have effect.

Application of Part I to British possessions, protectorates and mandated territories.

36.—(1) His Majesty may by Order in Council direct that the provisions of this Part of this Act and (so far as may appear to His Majesty to be expedient for the purpose of giving effect to the provisions of this Part of this Act) the provisions of any other Act relating to Merchant Shipping, including any enactments for the time being in force amending or substituted for the provisions of this Part of this Act or any other such Act, shall extend, with such exceptions, adaptations or modifications (if any) as may be specified in the Order, to the Isle of Man, any of the Channel Islands and any colony.

53 & 54 Vict. c. 37.

(2) The Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of this Part of this Act were included among the enactments which, by virtue of section five of that Act, may be extended by Order in

PART I. —*cont.*

Council to foreign countries in which for the time being His Majesty has jurisdiction.

(3) His Majesty may by Order in Council direct—

(*a*) that any provision of this Part of this Act, which is expressed to apply only to British ships or passenger steamers registered in the United Kingdom, shall apply to British ships or passenger steamers, as the case may be, registered in any country or part of His Majesty's dominions to which the provisions of this Part of this Act can be extended by virtue of the foregoing provisions of this section;

(*b*) that any reference in this Part of this Act to a port in the United Kingdom shall be construed as including a reference to a port in any such country or part of His Majesty's dominions as aforesaid.

Countries to which Safety Convention applies.

37. His Majesty, if satisfied—

(*a*) that the Government of any country has ratified, acceded to, or denounced, the Safety Convention; or

(*b*) that the Safety Convention has been applied or has ceased to apply to any country in pursuance of the provisions of Article sixty-two thereof;

may by Order in Council make a declaration to that effect.

Interpretation of Part I.

38. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Construction regulations" means such of the regulations made under section seven hundred and twenty-four of the principal Act as prescribe the matters with respect to which a surveyor of ships must be satisfied before he states in a declaration of survey that a passenger steamer is fit to ply on any particular voyages or class of voyages specified in the regulations;

Part I. —*cont.*

"Country to which the Safety Convention applies" means—

(*a*) a country the Government of which has been declared under the last foregoing section to have ratified, or acceded to, the Safety Convention, and has not been so declared to have denounced that Convention;

(*b*) a country to which it has been so declared that the Safety Convention has been applied under the provisions of Article sixty-two thereof, not being a country to which it has been so declared that that Convention has ceased to apply under the provisions of that Article;

"Declaration of survey" means a declaration made under section two hundred and seventy-two of the principal Act;

"International voyage" means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Safety Convention applies, "short international voyage" means an international voyage in the course of which a ship does not go more than two hundred miles from land, and "international coasting voyage" means an international voyage in the course of which a ship does not go more than twenty miles from land, so however that for the purpose of this provision—

(*a*) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and

(*b*) every colony, overseas territory, protectorate or territory under suzerainty, and every territory in respect of which a mandate has been accepted on behalf of the League of Nations, shall be deemed to be a separate country;

PART I.
—*cont.*

"Rules for life-saving appliances" means the rules made under section four hundred and twenty-seven of the principal Act;

"Safety Convention ship" means a ship belonging to a country to which the Safety Convention applies, and the expression "Safety Convention passenger steamer" shall be construed accordingly;

"Special passenger trade" means a trade in relation to which the Board of Trade have modified the construction regulations or the rules for life-saving appliances in pursuance of this Part of this Act;

"Survey regulations" means such of the regulations made under section seven hundred and twenty-four of the principal Act as prescribe the manner in which surveys of passenger steamers are to be made;

"Wireless telegraphy rules" means the rules made under subsection (2) of section one of the Merchant Shipping (Wireless Telegraphy) Act, 1919.

Commencement of Part I and repeal.

39.—(1) This Part of this Act shall come into operation on such date as His Majesty in Council may appoint.

(2) The enactments set out in Part I of the Fourth Schedule to this Act shall be repealed, to the extent specified in the third column of that Part of that Schedule, as from the commencement of this Part of this Act.

PART II.

LOAD LINE AND LOADING.

Preliminary.

Ships exempt from Part II.

40.—(1) The following ships are exempt from this Part of this Act, namely—

(*a*) sailing ships under eighty tons register engaged solely in the coasting trade;

(*b*) ships exempted from this Part of this Act under subsection (2) of this section;

PART II. —*cont.*

(*c*) ships solely engaged in fishing;

(*d*) pleasure yachts.

(2) The Board of Trade may, on such conditions as they think fit, exempt from this Part of this Act—

(*a*) any ship plying on international voyages between the near neighbouring ports of two or more countries, if the Board of Trade and the Governments of those countries are satisfied that the sheltered nature and conditions of the voyages between those ports make it unreasonable or impracticable to apply the provisions of this Part of this Act to ships so plying;

(*b*) any ship plying on any other voyage between near neighbouring ports if the Board of Trade are satisfied as aforesaid; and

(*c*) any class of steamers under eighty tons register engaged solely in the coasting trade, so long as they do not carry cargo.

Classification of ships for purpose of Part II.

41.—(1) Ships which are not exempt from this Part of this Act by virtue of the last foregoing section are hereafter in this Act referred to as "load line ships," and for the purposes of this Part of this Act are divided into the following classes, namely—

(*a*) international load line ships, that is to say, ships of one hundred and fifty tons gross tonnage or upwards which carry cargo or passengers; and

(*b*) local load line ships, that is to say, ships of one hundred and fifty tons gross tonnage or upwards which do not carry cargo or passengers, and ships of less than that tonnage.

(2) International load line ships belonging to countries to which the Load Line Convention applies, are hereafter in this Act referred to as "Load Line Convention ships."

Marking and Submersion of Load Lines.

Load line rules.

42.—(1) The Board of Trade shall make such rules (hereafter in this Act referred to as "the load line rules") as appear to them to be necessary for the purpose of giving effect to the provisions of Articles 6 to 10 of the Load Line Convention and Annex I and Annex II thereto.

(2) Such of the load line rules as are made to give effect to Part II of Annex I to the said Convention are hereafter in this Act referred to as "the conditions of assignment."

Marking of deck-line and load lines.

43.—(1) No British load line ship registered in the United Kingdom, being a ship constructed after the thirtieth day of June, nineteen hundred and thirty-two, shall proceed to sea unless—

(*a*) the ship has been surveyed in accordance with the load line rules; and

(*b*) the ship complies with the conditions of assignment; and

(*c*) the ship is marked on each side with a mark (hereafter in this Act referred to as a "deck-line") indicating the position of the uppermost complete deck as defined by the load line rules, and with marks (hereafter in this Act referred to as "load lines") indicating the several maximum depths to which the ship can be safely loaded in various circumstances prescribed by the load line rules; and

(*d*) the deck-line and load lines are of the description required by the load line rules, the deck-line is in the position required by those rules, and the load lines are of the number required by such of those rules as are applicable to the ship; and

(*e*) the load lines are in the position required by such of the load line rules as are applicable to the ship.

(2) No British load line ship registered in the United Kingdom, being a ship constructed before the first day of July, nineteen hundred and thirty-two, shall proceed to sea unless—

(*a*) the ship has been surveyed and marked in accordance with paragraphs (*a*), (*c*) and (*d*) of the last foregoing subsection; and

(*b*) the ship complies with the conditions of assignment in principle and also in detail, so far as,

Part II.—*cont.*

in the opinion of the Board of Trade, is reasonable and practicable having regard to the efficiency of the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters provided by the arrangements, fittings and appliances existing on the ship at the time when she is first surveyed under this section; and

(*c*) the load lines are either in the position required by paragraph (*e*) of the last foregoing subsection or in the position required by the tables used by the Board of Trade on the thirty-first day of December, nineteen hundred and six, for fixing the position of load lines, subject to such modifications of those tables and of the application thereof, approved by the Board of Trade under section four hundred and thirty-eight of the principal Act, as were in force immediately before the fifth day of July, nineteen hundred and thirty.

(3) If any ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner thereof shall for each offence be liable to a fine not exceeding one hundred pounds.

(4) Any ship attempting to proceed to sea without being surveyed and marked as required by this section may be detained until she has been so surveyed and marked, and any ship which does not comply with the conditions of assignment to the extent required in her case by this section shall be deemed to be unsafe for the purpose of section four hundred and fifty-nine of the principal Act.

Submersion of load line.

44.—(1) A British load line ship registered in the United Kingdom shall not be so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded.

(2) If any such ship is loaded in contravention of this section, the owner or master of the ship shall for each offence be liable to a fine not exceeding one

Part II. —*cont.*

hundred pounds and to such additional fine, not exceeding the amount hereinafter specified, as the court thinks fit to impose having regard to the extent to which the earning capacity of the ship was, or would have been, increased by reason of the submersion.

(3) The said additional fine shall not exceed one hundred pounds for every inch or fraction of an inch by which the appropriate load line on each side of the ship was submerged, or would have been submerged if the ship had been in salt water and had had no list.

(4) In any proceedings against an owner or master in respect of a contravention of this section, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(5) Without prejudice to any proceedings under the foregoing provisions of this section, any ship which is loaded in contravention of this section may be detained until she ceases to be so loaded.

Miscellaneous offences in relation to marks.

45. If—

(*a*) the owner or master of a British load line ship registered in the United Kingdom, which has been marked in accordance with the foregoing provisions of this Part of this Act, fails without reasonable cause to keep the ship so marked; or

(*b*) any person conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any mark placed on any such ship in accordance with the foregoing provisions of this Part of this Act, except with the authority of a person entitled under the load line rules to authorise the alteration of the mark or except for the purpose of escaping capture by an enemy;

he shall for each offence be liable to a fine not exceeding one hundred pounds.

Part II.
—*cont.*

Inspection of ships with respect to load line.

46. A ship surveyor or engineer surveyor may inspect any British load line ship registered in the United Kingdom for the purpose of seeing that the provisions of this Part of this Act have been complied with in the case of the ship, and for the purpose of any such inspection any such surveyor shall have all the powers of a Board of Trade inspector under the principal Act.

Certificates.

Issue of load line certificates and effect thereof.

47.—(1) Where a British load line ship registered in the United Kingdom has been surveyed and marked in accordance with the foregoing provisions of this Part of this Act and complies with the conditions of assignment to the extent required in her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the prescribed fee—

(*a*) in the case of an international load line ship, a load line certificate hereafter in this Act referred to as "a Load Line Convention certificate"; and

(*b*) in the case of a local load line ship, a load line certificate hereafter in this Act referred to as "a United Kingdom load line certificate."

(2) Every such certificate shall be issued either by the Board of Trade or by such other person as may be authorised in that behalf by the Board, and shall be issued in such form and manner as may be prescribed by the load line rules, and those rules shall make such provision with respect to Load Line Convention certificates as appears to the Board to be necessary, having regard to the provisions of Rules IV and LXVIII of the Load Line Convention, for the purpose of giving effect to the provisions of Article thirteen of that Convention.

(3) Any such certificate issued by the Board of Trade may be signed on behalf of the Board by any person authorised by the Board for the purpose, and a certificate purporting to be so signed shall be admissible in evidence in like manner as if it had been signed by one of the persons mentioned

Part II. —*cont.*

in section seven hundred and nineteen of the principal Act.

(4) The Board of Trade may request the Government of a country to which the Load Line Convention applies to issue a Load Line Convention certificate in respect of a Load Line Convention ship registered in the United Kingdom, and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purpose of this Part of this Act as if it had been issued by the Board.

(5) Where a load line certificate, issued in pursuance of this section and for the time being in force, is produced in respect of a ship, the ship shall, for the purpose of the foregoing provisions of this Part of this Act, be deemed to have been surveyed as required by those provisions, and, if the deck-line and load lines on the ship are of the number and description required by the load line rules and the position of the deck-line and load lines corresponds with the position specified in the certificate, the ship shall be deemed to be marked as required by those provisions.

Duration, renewal and cancellation of certificates.

48.—(1) Every load line certificate issued by or under the authority of the Board of Trade shall, unless it is renewed in accordance with the provisions of subsection (2) of this section, expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein.

(2) Any such load line certificate may, after a survey not less effective than the survey required by the load line rules before the issue of the certificate, be renewed from time to time by the Board of Trade, or by any person authorised by the Board to issue a load line certificate, for such period (not exceeding five years on any occasion) as the Board of Trade or other person renewing the certificate thinks fit.

(3) The Board of Trade shall cancel any such load line certificate in force in respect of a ship, if they have reason to believe that—

(*a*) material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines; or (*b*) the fittings and appliances for the protection of openings, the guard rails, the freeing ports or the means of access to the crew's quarters have not been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(4) The owner of every ship in respect of which any such certificate has been issued shall, so long as the certificate remains in force, cause the ship to be surveyed in the prescribed manner once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should remain in force, having regard to the last foregoing subsection, and if the ship is not so surveyed, the Board of Trade shall cancel the certificate:

Provided that the Board, if they think fit in any particular case, may extend the said period of one year.

(5) Where any such load line certificate has expired or been cancelled, the Board of Trade may require the owner or master of the ship to which the certificate relates to deliver up the certificate as they direct, and the ship may be detained until such requirement has been complied with, and if the owner or master fails without reasonable cause to comply with such requirement, he shall for each offence be liable to a fine not exceeding ten pounds.

(6) On the survey of any ship in pursuance of this section there shall be paid by the owner of the ship such fee as may be prescribed.

Ships not to proceed to sea without certificate.

49.—(1) No British ship registered in the United Kingdom, being an international load line ship, shall proceed to sea unless there is in force in respect of the ship a Load Line Convention certificate.

(2) No British ship registered in the United Kingdom, being a local load line ship, shall proceed to sea unless there is in force in respect of the ship a United Kingdom load line certificate.

(3) The master of every British load line ship, registered in the United Kingdom shall produce to the officer of Customs, from whom a clearance or transire for the ship is demanded, the certificate which is required

PART II. —*cont.*

by the foregoing provisions of this section to be in force when the ship proceeds to sea, and a clearance or transire shall not be granted, and the ship may be detained, until that certificate is so produced.

(4) The master of every ship which proceeds or attempts to proceed to sea in contravention of this section shall for each offence be liable to a fine not exceeding one hundred pounds.

Publication of load line certificate and particulars relating to depth of loading.

50.—(1) When a load line certificate has been issued in pursuance of the foregoing provisions of this Part of this Act in respect of a British load line ship registered in the United Kingdom—

(*a*) the owner of the ship shall forthwith on the receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use; and

(*b*) the master of the ship, before making any other entry in any official log-book, shall enter therein the particulars as to the position of the deck-line and load lines specified in the certificate.

(2) Before any British load line ship registered in the United Kingdom leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master thereof shall—

(*a*) enter in the official log-book such particulars relating to the depth to which the ship is for the time being loaded as the Board of Trade may by regulations prescribe; and

(*b*) cause a notice, in such form and containing such of the said particulars as may be required by the said regulations, to be posted up in some conspicuous place on board the ship and to be kept so posted up and legible until the ship arrives at some other dock, wharf, harbour or place:

Provided that the Board may by the said regulations exempt home trade ships or any class of home trade ships from the requirements of paragraph (*b*) of this subsection.

(3) If the master or owner of any British load line ship registered in the United Kingdom fails to comply with the provisions of this section, he shall for each offence be liable to a fine not exceeding twenty pounds.

Insertion of particulars as to load line in agreements with crew.

51.—(1) Before an agreement with the crew of any British load line ship registered in the United Kingdom, in respect of which a load line certificate is in force, is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck-line and load lines specified in the certificate, and if he fails to do so, he shall for each offence be liable to a fine not exceeding twenty pounds.

(2) In the case of a British load line ship registered in the United Kingdom, being a foreign-going ship, a superintendent shall not proceed with the engagement of the crew until—

(*a*) there is produced to him a load line certificate for the time being in force in respect of the ship; and

(*b*) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

Special Provisions as to Load Line Convention Ships not registered in the United Kingdom.

Load line certificates of Convention ships not registered in United Kingdom.

52.—(1) The Board of Trade may, at the request of the Government of a country to which the Load Line Convention applies, issue a Load Line Convention certificate in respect of an international load line ship of that country if they are satisfied in like manner as in the case of a British ship registered in the United Kingdom that they can properly issue the certificate, and where a certificate is issued at such a request, it shall contain a statement that it has been so issued.

(2) With a view to determining the validity in the United Kingdom of certificates purporting to have been issued in accordance with the Load Line Convention in respect of Load Line Convention ships not registered in the United Kingdom, the Board of Trade shall make such regulations as appear to the Board to be necessary

Part II.—*cont.*

for the purpose of giving effect to Article seventeen of the Load Line Convention, and, for the purpose of the provisions hereafter contained in this Part of this Act relating to Load Line Convention ships not registered in the United Kingdom, the expression "a valid Load Line Convention certificate" means a certificate complying with such of those regulations as are applicable in the circumstances.

Inspection and control of Convention ships not registered in United Kingdom.

53.—(1) A ship surveyor or engineer surveyor may go on board any Load Line Convention ship not registered in the United Kingdom, when within any port in the United Kingdom, for the purpose of demanding the production of any load line certificate for the time being in force in respect of the ship.

(2) If a valid Load Line Convention certificate is produced to the surveyor on any such demand, the surveyor's powers of inspecting the ship with respect to load line shall be limited to seeing—

(*a*) that the ship is not loaded beyond the limits allowed by the certificate;

(*b*) that the position of the load lines on the ship corresponds with the position specified in the certificate;

(*c*) that no material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines;

(*d*) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were in when the certificate was issued;

and for the purpose of any such inspection the surveyor shall have all the powers of a Board of Trade inspector under the principal Act.

(3) If it is found on any such inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained and proceedings may be taken against the master or owner thereof under the provisions hereafter contained in this Part of this Act relating to the submersion of load lines on ships not registered in the United Kingdom.

(4) If it is found on any such inspection that the load lines on the ship are not in the position specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.

(5) If it is found on any such inspection that the ship has been so materially altered in respect of the matters referred to in paragraphs (*c*) and (*d*) of subsection (2) of this section that the ship is manifestly unfit to proceed to sea without danger to human life, the ship shall be deemed to be unsafe for the purpose of section four hundred and fifty-nine of the principal Act (in the case of a British ship) or for the purpose of section four hundred and sixty-two of that Act (in the case of a foreign ship):

Provided that where the ship has been detained under either of the last-mentioned sections, the Board of Trade shall order the ship to be released as soon as they are satisfied that the ship is fit to proceed to sea without danger to human life.

(6) If a valid Load Line Convention certificate is not produced to the surveyor on such demand as aforesaid, the surveyor shall have the same power of inspecting the ship, for the purpose of seeing that the provisions of this Part of this Act have been complied with, as if the ship were a British ship registered in the United Kingdom.

(7) For the purposes of this section a ship shall be deemed to be loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water, when the ship has no list, the appropriate load line on each side of the ship, that is to say, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded.

Certificates of Convention ships to be produced to Customs.

54. The master of every Load Line Convention ship not registered in the United Kingdom shall produce to the officer of Customs from whom a clearance or transire for the ship from any port in the United Kingdom is demanded—

(*a*) in a case where clearance is demanded in respect of an international voyage, a valid Load Line Convention certificate;

(*b*) in a case where clearance or transire is demanded in respect of any other voyage, either a valid

Part II.—*cont.*

Load Line Convention certificate or a United Kingdom load line certificate for the time being in force in respect of the ship;

and a clearance or transire shall not be granted, and the ship may be detained, until the certificate required by this section is so produced.

Modification of existing provisions for exemption of ships not registered in United Kingdom.

55. The Merchant Shipping (Equivalent Provisions) Act, 1925, (which provides for the exemption, in certain circumstances, of foreign ships and British ships registered outside the United Kingdom from certain provisions of the Merchant Shipping Acts) and any Order in Council made thereunder shall cease to apply to Load Line Convention ships plying on international voyages, in respect of the exemption of such ships from any of the provisions of this Part of this Act.

General Provisions as to Ships not registered in the United Kingdom.

Survey, marking and conditions of assignment in case of ships not registered in United Kingdom.

56. The provisions of section forty-three of this Act shall apply to load line ships not registered in the United Kingdom, proceeding or attempting to proceed to sea from ports in the United Kingdom, as they apply to British load line ships registered in the United Kingdom, subject to the following modification, namely:—

(*a*) the said section shall not apply to a Load Line Convention ship not registered in the United Kingdom, if a valid Load Line Convention certificate is produced in respect of the ship; and

(*b*) subject to the provisions of paragraph (*a*) of this section, a foreign ship which does not comply with the conditions of assignment to the extent required in her case by the said section forty-three shall be deemed to be unsafe for the purpose of section four hundred and sixty-two of the principal Act.

Submersion of load line on ships not registered in United Kingdom.

57. The provisions of section forty-four of this Act shall apply to load line ships not registered in the United Kingdom, while they are within any port in the United Kingdom, as they apply to British load line ships registered in the United Kingdom, subject to the following modifications, namely:—

(*a*) no Load Line Convention ship shall be detained, and no proceedings shall be taken against the owner or master thereof, by virtue of the said section, except after an inspection by a ship surveyor or engineer surveyor as hereinbefore provided; and

(*b*) the expression "the appropriate load line," in relation to any ship not registered in the United Kingdom, shall mean—

(i) in the case of a Load Line Convention ship in respect of which there is produced on such an inspection as aforesaid a valid Load Line Convention certificate, the load line appearing by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded;

(ii) in any other case, the load line which corresponds with the load line indicating the maximum depth to which the ship is for the time being entitled under the load line rules to be loaded or, if no load line on the ship corresponds as aforesaid, the lowest load line thereon.

Inspection of ships not registered in United Kingdom.

58. The provisions of section forty-six of this Act shall apply to load line ships, other than British ships registered in the United Kingdom or Load Line Convention ships not registered in the United Kingdom, while they are within any port in the United Kingdom, as they apply to British load line ships registered in the United Kingdom.

Load line certificates of ships not registered in United Kingdom.

59.—(1) The provisions of this Part of this Act relating to the issue, effect, duration, renewal and cancellation of United Kingdom load line certificates shall apply to load line ships not registered in the United Kingdom as they apply to British load line ships registered in the United Kingdom, subject to the following modifications, namely:—

(*a*) any such certificate may be issued in respect of an international load line ship as in respect of a local load line ship, so however that any such certificate issued in respect of a Load Line Convention ship shall only be valid so long as the ship is not plying on international voyages, and shall be endorsed

PART II. —*cont.*

with a statement to that effect, and shall be cancelled by the Board if they have reason to believe that the ship is so plying; and

(*b*) the survey required for the purpose of seeing whether the certificate should remain in force shall take place when required by the Board of Trade.

(2) Where the Board of Trade certify—

(*a*) either—

(i) that by the law in force in any part of His Majesty's dominions outside the United Kingdom provision has been made for the fixing, marking and certifying of load lines on British ships (or any class or description of British ships) registered in that part of His Majesty's dominions; or

(ii) that provision has been made as aforesaid by the law in force in any foreign country with respect to ships (or any class or description of ships) of that country and has also been so made (or has been agreed to be so made) for recognising United Kingdom load line certificates as having the same effect in ports of that country as certificates issued under the said provision; and

(*b*) that the said provision for the fixing, marking and certifying of load lines is based on the same principles as the corresponding provisions of this Part of this Act and is equally effective;

His Majesty may by Order in Council direct that load line certificates issued in pursuance of the said provision in respect of British ships (or that class or description of British ships) registered in that part of His Majesty's dominions, or in respect of ships (or that class or description of ships) of that foreign country, as the case may be, shall have the same effect for the purpose of this Part of this Act as United Kingdom load line certificates:

Provided that no Order in Council made under this subsection shall apply to Load Line Convention ships plying on international voyages.

Part II.—*cont.*

(3) Sub-paragraph (i) of paragraph (*a*) of the last foregoing subsection shall apply with respect to any foreign country in which for the time being His Majesty has jurisdiction, as if that country was a part of His Majesty's dominions.

Certificates to be produced to Customs by ships not registered in United Kingdom.

60. The master of every load line ship, other than a British ship registered in the United Kingdom or a Load Line Convention ship not registered in the United Kingdom, shall produce to the officer of Customs, from whom a clearance or transire for the ship from any port in the United Kingdom is demanded, either a United Kingdom load line certificate or a certificate having effect under this Act as such a certificate, being a certificate for the time being in force in respect of the ship, and a clearance or transire shall not be granted, and the ship may be detained, until the certificate required by this section is so produced.

Loading of Timber.

Carriage of timber deck cargo.

61.—(1) The Board of Trade shall make regulations (hereafter in this section referred to as the "timber cargo regulations") as to the conditions on which timber may be carried as cargo in any uncovered space on the deck of any load line ship.

(2) The timber cargo regulations shall contain such regulations as appear to the Board of Trade to be necessary for the purpose of giving effect to paragraph two of Article six of the Load Line Convention.

(3) Subject to the provisions of the last foregoing subsection, the timber cargo regulations may prescribe generally the conditions on which timber may be carried as aforesaid in any load line ship either on all voyages or on any particular class of voyages and either at all seasons or at any particular season, and in particular may prescribe the manner and position in which the timber is to be stowed and the provision which is to be made on the ship for the safety of the crew.

(4) If any provision of the timber cargo regulations is contravened in the case of any British load line ship registered in the United Kingdom, the master of the ship shall be liable to a fine not exceeding five hundred pounds:

Provided that in any proceedings against a master in respect of a contravention of the timber cargo

PART II. —*cont.*

regulations, it shall be a good defence to prove that the contravention was due solely to deviation or delay, being deviation or delay caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer (if any) could have prevented or forestalled.

(5) For securing the observance of the timber cargo regulations, any officer having authority in that behalf from the Board of Trade, either general or special, shall have power to inspect any load line ship carrying timber cargo in any uncovered space on her deck, and for that purpose shall have all the powers of a Board of Trade inspector under the principal Act.

(6) The foregoing provisions of this section and the timber cargo regulations shall apply to load line ships not registered in the United Kingdom, while they are within any port in the United Kingdom, as they apply to British load line ships registered in the United Kingdom.

Supplemental.

Amendment of ss. 436 and 454 of the principal Act.

62.—(1) In subsections (1) and (3) of section four hundred and thirty-six and in subsection (1) of section four hundred and fifty-four of the principal Act the expression "freeboard" shall be substituted for the expression "clear side."

(2) Subsection (3) of the said section four hundred and thirty-six shall cease to have effect with respect to load line ships.

(3) The following subsection shall be substituted for subsection (5) of the said section four hundred and thirty-six, namely—

> "(5) In this section the expression 'freeboard' means, in the case of any ship which is marked with a deck-line, the height from the water to the upper edge of the deck-line, and, in the case of any other ship, the height amidships from the water to the upper edge of the deck from which the depth of hold as stated in the register is measured."

Power to amend rules to correspond with amendments of Load Line Convention.

63. If any provision of the Load Line Convention to which the Board of Trade are required by this Part of this Act to give effect by any rules or regulations is amended in pursuance of Article twenty of

Part II.
—*cont.*

that Convention, the Board may amend the rules or regulations accordingly.

Application of Part II to British possessions, protectorates and mandatory territories.

64.—(1) His Majesty may by Order in Council direct that the provisions of this Part of this Act, including any enactments for the time being in force amending or substituted for the said provisions, shall extend, with such exceptions, adaptations or modifications (if any) as may be specified in the Order, to the Isle of Man, any of the Channel Islands and any colony.

(2) The Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of this Part of this Act were included among the enactments which, by virtue of section five of that Act, may be extended by Order in Council to foreign countries in which for the time being His Majesty has jurisdiction.

(3) His Majesty may by Order in Council direct—

(*a*) that any provision of this Part of this Act which is expressed to apply only to British ships registered in the United Kingdom shall apply to British ships registered in any country or part of His Majesty's dominions to which the provisions of this Part of this Act can be extended by virtue of the foregoing provisions of this section;

(*b*) that any reference in this Part of this Act to a port in the United Kingdom shall be construed as including a reference to a port in any such country or part of His Majesty's dominions as aforesaid.

Countries to which the Load Line Convention applies.

65. His Majesty, if satisfied—

(*a*) that the Government of any country has ratified, acceded to, or denounced the Load Line Convention; or

(*b*) that the Load Line Convention has been applied or has ceased to apply to any country in pursuance of the provisions of Article twenty-one thereof;

may by Order in Council make a declaration to that effect.

Part II. —*cont.*

Interpretation of Part II.

66. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Country to which the Load Line Convention applies," means—

(*a*) a country the Government of which has been declared under the last foregoing section to have ratified, or acceded to, the Load Line Convention, and has not been so declared to have denounced that Convention;

(*b*) a country to which it has been so declared that the Load Line Convention has been applied under the provisions of Article twenty-one thereof, not being a country to which it has been so declared that that Convention has ceased to apply under the provisions of that Article;

"International voyage" means a voyage from a port in one country to a port in another country, either of those countries being a country to which the Load Line Convention applies, so however that for the purpose of this definition—

(*a*) no account shall be taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled; and

(*b*) every colony, overseas territory, protectorate or territory under suzerainty, and every territory in respect of which a mandate has been accepted on behalf of the League of Nations, shall be deemed to be a separate country;

"Prescribed" means prescribed by the load line rules.

Commencement of Part II and repeal.

67.—(1) Subject to the provisions of this subsection, this Part of this Act shall come into operation on the appointed day:

Provided that—

(*a*) where at the passing of this Act there is in force in respect of any ship a certificate issued under section four hundred and forty-three of the principal Act and that certificate ceases to be in force before the appointed day; or

(*b*) where before the appointed day a load line certificate is issued in pursuance of this Part of this Act by or under the authority of the Board of Trade in respect of any ship;

this Part of this Act shall come into operation with respect to that ship as from the date on which the certificate ceases to be in force or is issued, as the case may be.

Part II. —*cont.*

(2) The enactments set out in Part II of the Fourth Schedule to this Act shall, to the extent specified in the third column of that Part of that Schedule, cease to have effect with respect to any ship as from the date when this Part of this Act comes into operation with respect to that ship and shall be repealed as from the appointed day:

Provided that any Order in Council in force immediately before the appointed day under section four hundred and forty-four or section four hundred and forty-five of the principal Act shall, until revoked, continue to have effect as if for references in the Order to Part V of the principal Act, or to the provisions of the principal Act relating to overloading or improper loading, as the case may be, there were substituted references to this Part of this Act, so however that no such Order shall continue to have effect with respect to Load Line Convention ships plying on international voyages.

(3) For the purpose of this section the expression "the appointed day" means such day as His Majesty in Council may appoint.

Part III.

General.

Provisions as to rules and regulations.

68.—(1) Notwithstanding any rules or regulations made in pursuance of this Act for the purpose of giving effect to, or implementing, any provision of the Safety Convention or Load Line Convention which requires a particular fitting, appliance, or apparatus or type thereof, to be fitted or carried in a ship, or any particular provision to be made in a ship, the Board of Trade may allow any other fitting, appliance or apparatus, or type thereof, to be fitted or carried, or any other

Part III. —*cont.*

provision to be made if they are satisfied that that other fitting, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by the Convention.

(2) Where under this Act the Board of Trade are required to make such regulations or rules as appear to them to be necessary for the purpose of giving effect to any of the provisions of the Safety Convention or Load Line Convention, the requirement shall, in the case of a provision the terms of which are such as to vest in the several Governments who are parties to the Convention a discretion as to whether any or what action should be taken thereunder, be construed as an authority to the Board to make by regulations or rules such provision (if any) with respect to the matter in question as the Board in the exercise of that discretion think proper.

Notice to be given to Consular officer where proceedings taken in respect of foreign ships.

69. Where any foreign ship is detained under this Act, and where any proceedings are taken under this Act against the master or owner of any such ship, notice shall forthwith be served on the Consular officer for the country to which the ship belongs at or nearest to the port where the ship is for the time being, and such notice shall specify the grounds on which the ship has been detained or the proceedings have been taken.

Cost of detaining ships.

70. Where a ship is detained in pursuance of any provision of this Act which provides for the detention of a ship until a certain event occurs, subsection (2) of section four hundred and sixty of the principal Act (which makes provision as to the costs of the Board of Trade of and incidental to the detention and survey of the ship) shall apply as if the ship had been finally detained within the meaning of that subsection.

Forgery of certificates.

71. The provisions of section two hundred and eighty-two of the principal Act (which imposes penalties for the forgery of passenger steamers' certificates) shall apply with respect to any certificate required for the purposes of this Act as they apply with respect to a passenger steamer's certificate.

Summary prosecution of offences.

72. Notwithstanding anything in section six hundred and eighty of the principal Act, any offence whatsoever under Part I or Part II of this Act may be prosecuted summarily.

Part III —*cont.*

Interpretation and construction.

73.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Contravention" includes, in relation to any provision, failure to comply with that provision, and the expression "contravenes" shall be construed accordingly;

"The Merchant Shipping Acts" means the Merchant Shipping Acts, 1894 to 1928, and this Act;

"Passenger" has the same meaning as it has for the purpose of Part III of the principal Act;

"Passenger steamer" means a steamer carrying more than twelve passengers;

"The principal Act" means the Merchant Shipping Act, 1894.

57 & 58 Vict. c. 60.

(2) In this Act references to a ship constructed before or after any date shall be construed as references to a ship the keel of which has been laid before or after that date, as the case may be.

(3) For the purpose of any provision of this Act relating to Safety Convention ships, Safety Convention passenger steamers or Load Line Convention ships not registered in the United Kingdom, a passenger steamer or other ship registered in any of the Channel Islands or in the Isle of Man shall be deemed to be registered in the United Kingdom.

(4) Any references in this Act to any provision of the Merchant Shipping Acts, 1894 to 1928, which has been amended by any subsequent Act, including this Act, shall be construed as a reference to that provision as so amended.

Short title, citation and repeal.

74.—(1) This Act may be cited as the Merchant Shipping (Safety and Load Line Conventions) Act, 1932, and shall be construed as one with the Merchant Shipping Acts, 1894 to 1928, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1894 to 1932.

(2) The enactments set out in Part III of the Fourth Schedule to this Act shall be repealed, to the extent specified in the third column of that Part of that Schedule, as from the passing of this Act.

SCHEDULES.

FIRST SCHEDULE.

International Convention for the Safety of Life at Sea, 1929.

Chapter I.—Preliminary.

Article 1.

The Contracting Governments undertake to give effect to the provisions of the present Convention for the purpose of promoting safety of life at sea, to promulgate all regulations and to take all other steps which may be necessary to give the present Convention full and complete effect.

The provisions of the present Convention are completed by Regulations contained in Annex I, which have the same force and take effect at the same time as the present Convention. Every reference to the present Convention implies at the same time a reference to the Regulations annexed thereto.

Article 2.

Applications and Definitions.

1. The provisions of the present Convention shall apply to ships belonging to countries the Governments of which are Contracting Governments, and to ships belonging to territories to which the present Convention is applied under Article 62, as follows :—

Chapter II.—(Construction) to passenger ships (mechanically propelled) on international voyages.

Chapter III.—(Life-saving Appliances) to passenger ships (mechanically propelled) on international voyages.

Chapter IV.—(Radiotelegraphy) to all ships engaged on international voyages except cargo ships of less than 1,600 tons gross tonnage.

Chapter V.—(Safety of Navigation) to all ships on all voyages.

Chapter VI.—(Certificates) to all the ships to which Chapters II, III and IV apply.

2. The classes of ships to which each Chapter applies are more precisely defined, and the extent of the application is shown in each Chapter.

3. In the present Convention, unless expressly provided otherwise—

(*a*) a ship is regarded as belonging to a country if it is registered at a port of that country;

(*b*) the expression "Administration" means the Government of the country in which the ship is registered;

(*c*) an international voyage is a voyage from a country to which the present Convention applies to a port outside such country, or conversely; and for this purpose every colony, overseas territory, protectorate or territory under suzerainty or mandate is regarded as a separate country;

(*d*) a ship is a passenger ship if it carries more than 12 passengers;

(*e*) the expression "Regulations" means the Regulations contained in Annex I.

4. The present Convention, unless expressly provided otherwise, does not apply to ships of war.

Article 3.

Cases of Force Majeure.

No ship, which is not subject to the provisions of the present Convention at the time of its departure on any voyage, shall become subject to the provisions of the present Convention on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure.

Persons who are on board a ship by reason of force majeure or in consequence of the obligation laid upon the master to carry shipwrecked or other persons shall not be taken into account for the purpose of ascertaining the application to a ship of any provisions of the present Convention.

Chapter II.—Construction.

Article 4.

Application.

1. This Chapter, except where it is otherwise expressly provided, applies to new passenger ships engaged on international voyages.

2. A new passenger ship is a ship the keel of which is laid on or after the 1st July, 1931, or a ship which is converted to passenger service on or after that date, all other passenger ships being described as existing passenger ships.

3. Each Administration may, if it considers that the route and the conditions of the voyage are such as to render the

1st Sch. —*cont.*

application of the requirements of this Chapter unreasonable or unnecessary, exempt from the requirements of this Chapter individual ships or classes of ships belonging to its country which, in the course of their voyage, do not proceed more than 20 miles from the nearest land.

4. In the case of a passenger ship which, in the course of its voyage, does not proceed more than 200 miles from the nearest land, the Administration of the country to which the ship belongs may allow relaxations from such of the requirements of Regulations IX, X, XV and XIX as may be proved to the satisfaction of the Administration to be neither reasonable nor practicable.

5. In the case of existing passenger ships engaged on international voyages which do not already comply with the provisions of this Chapter relating to new passenger ships, the arrangements on each ship shall be considered by the Administration of the country to which the ship belongs, with a view to improvements being made to provide increased safety where practicable and reasonable.

6. In the case of passenger ships engaged on international voyages which are employed in the carriage of large numbers of unberthed passengers in special trades, such, for example, as the pilgrim trade, an Administration, if satisfied that it is impracticable to enforce compliance with the requirements of this Chapter, may exempt such ships, when they belong to its country, from those requirements on the following conditions:—

(*a*) That the fullest provision which the circumstances of the trade will permit shall be made in the matter of construction:

(*b*) That steps shall be taken to formulate general rules which shall be applicable to the particular circumstances of these trades. Such rules shall be formulated in concert with such other Contracting Governments, if any, as may be directly interested in the carriage of such passengers.

7. This Chapter does not apply to ships which are not mechanically propelled or to wooden ships of primitive build, such as dhows, junks, &c.

Article 5.

Watertight Subdivision of Ships.

1. Ships shall be as efficiently subdivided as is possible having regard to the nature of the service for which they are intended. The requirements respecting subdivision are given in the following Articles and in the Regulations.

1st Sch.
—*cont.*

2. The degree of subdivision provided for by these requirements varies with the length of the ship and with the service, in such manner that the highest degree of subdivision corresponds with the ships of greatest length primarily engaged in the carriage of passengers.

3. Regulations I to V indicate the method to be followed in order to determine the degree of subdivision applicable to a ship.

4. In order that the required degree of subdivision shall be maintained, a loadline corresponding to the approved subdivision draft shall be assigned and marked on the ship's sides. A ship having spaces which are specially adapted for the accommodation of passengers and the carriage of cargo alternatively may, if the owners desire, have one or more additional loadlines assigned and marked to correspond with the subdivision drafts which the Administration may approve for the alternative service conditions. The freeboard corresponding to each approved subdivision loadline, and the conditions of service for which it is approved, shall be clearly indicated on the Safety Certificate. Subdivision loadlines shall be marked and recorded in the manner provided in Regulation VII.

ARTICLE 6.

Peak and Machinery Space Bulkheads, Shaft Tunnels, &c.

All ships shall be fitted with watertight forward and after peak bulkheads and with watertight bulkheads at the extremities of the machinery space, and, in screw ships, with watertight shaft tunnels or equivalent subdivision in accordance with the provisions of Regulation VI.

ARTICLE 7.

Construction, Testing, &c.

Regulations VIII to XIII and XV to XXI prescribe rules for—

(*a*) the construction and testing of subdivision bulkheads, inner bottoms, watertight decks, trunks, ventilators, fire-resisting bulkheads, &c.;

(*b*) the conditions governing openings in bulkheads, in the ship's sides and in the weather deck, and the character and use of means which shall be provided for closing these openings;

(*c*) the tests and the periodical inspections and operation of the means of closing openings in bulkheads and in the ship's side;

(*d*) exits from watertight compartments;

(*e*) pumping arrangements; and

(*f*) power for going astern and auxiliary steering apparatus.

1st Sch.
—*cont.*

Article 8.

Stability Test.

Every new passenger ship shall be inclined upon its completion and the elements of its stability determined. The operating personnel shall be supplied with such information on this subject as is necessary to permit efficient handling of the ship.

Article 9.

Entries in the Official Log Book.

A record of the closing and opening of watertight doors, &c., and of all inspections and drills, shall be entered in the official log book as required by Regulation XIV.

Article 10.

Initial and Subsequent Surveys of Ships.

The general principles which shall govern the survey of ships, whether new or existing, as regards hull, main and auxiliary boilers and machinery, and equipments, are stated in Regulation XXII. Each Contracting Government undertakes—

(1) to draw up detailed regulations in accordance with these general principles, or to bring its existing regulations into agreement with these principles;

(2) to secure that these regulations shall be enforced.

The detailed regulations referred to in the preceding paragraph shall be in all respects such as to secure that, from the point of view of safety of life, the ship is fit for the service for which it is intended.

CHAPTER III.—LIFE-SAVING APPLIANCES, &c.

Article 11.

Interpretation.

For the purposes of this Chapter—

(*a*) the expression "new ship" means a ship the keel of which is laid on or after the 1st July, 1931, all other ships being described as existing ships;

(*b*) the expression "short international voyage" means an international voyage in the course of which a ship is not more than 200 miles from the nearest land;

1st Sch.—*cont.*

(*c*) the expression "buoyant apparatus" means buoyant deck seats, or buoyant deck chairs, or any other buoyant apparatus, excepting boats, life-buoys and life-jackets.

Article 12.

Application.

1. This Chapter, except where it is otherwise expressly provided, applies to new passenger ships which are mechanically propelled and engaged on international voyages.

2. Special provisions are laid down in Articles 13, 14, 19 and 25 with regard to new passenger ships engaged on short international voyages.

3. Each Administration, if it considers that the route and the conditions of the voyage are such as to render the application of the full requirements of this Chapter unreasonable or unnecessary, may to that extent exempt from the requirements of this Chapter individual ships or classes of ships belonging to its country which, in the course of their voyage, do not go more than 20 miles from the nearest land.

4. In the case of existing passenger ships which are mechanically propelled and engaged on international voyages and which do not already comply with the provisions of this Chapter relating to new passenger ships, the arrangements on each ship shall be considered by the Administration of the country to which the ship belongs, with a view to securing, so far as this is practicable and reasonable, compliance with the general principles set out in Article 13 not later than the 1st July, 1931, and substantial compliance with the other requirements of this Chapter.

5. In the case of passenger ships which are mechanically propelled and engaged on international voyages and which are employed in the carriage of large numbers of unberthed passengers in special trades, such, for example, as the pilgrim trade, an Administration, if satisfied that it is impracticable to enforce compliance with the requirements of this Chapter, may exempt such ships, when they belong to its country, from those requirements on the following conditions:—

(*a*) That the fullest provision which the circumstances of the trade will permit shall be made in the matter of lifeboats and other life-saving appliances and fire protection:

(*b*) That all such boats and apparatus shall be readily available within the meaning of Article 13:

1st Sch. —*cont.*

(*c*) That a life-jacket shall be provided for every person on board:

(*d*) That steps shall be taken to formulate general rules which shall be applicable to the particular circumstances of these trades. Such rules shall be formulated in concert with such other Contracting Governments, if any, as may be directly interested in the carriage of such passengers.

Article 13.

Lifeboats and Buoyant Apparatus.

The general principles governing the provision of lifeboats and buoyant apparatus in a ship to which this Chapter applies are that they shall be readily available in case of emergency and shall be adequate.

1. To be readily available, the lifeboats and buoyant apparatus must comply with the following conditions:—

(*a*) They must be capable of being got into the water safely and rapidly even under unfavourable conditions of list and trim:

(*b*) It must be possible to embark the passengers in the boats rapidly and in good order:

(*c*) The arrangement of each boat and article of buoyant apparatus must be such that it will not interfere with the operation of other boats and buoyant apparatus.

2. To be adequate, the provision of lifeboats and buoyant apparatus must satisfy the following conditions:—

(*a*) Subject to the provisions of sub-paragraph (*b*) of this paragraph there must be accommodation in boats for all persons on board, and there must, in addition, be buoyant apparatus for 25 per cent. of the persons on board:

(*b*) In the case of passenger ships engaged on short international voyages, the boats must be provided in accordance with the requirements set out in the table in Regulation XXXIX, and there must be, in addition, buoyant apparatus so that the boats and buoyant apparatus together provide accommodation for all on board as set out in Regulation XXXVIII. There must, in addition, be buoyant apparatus for 10 per cent. of the persons on board:

(*c*) No more boats shall be required on any passenger ship than are sufficient to accommodate all persons on board.

Article 14.

Ready Availability and Adequacy.

The arrangements for securing the principles of ready availability and adequacy mentioned in Article 13 shall be in accordance with the provisions of Regulations XXXVII, XXXVIII and XXXIX.

Article 15.

Standard types of Boats. Life Rafts. Buoyant Apparatus.

All the lifeboats, life rafts and buoyant apparatus shall comply with the conditions fixed by this Convention and Regulations XXIV to XXIX.

Article 16.

Construction of Boats.

All boats must be properly constructed, and shall be of such form and proportions that they shall have ample stability in a seaway, and sufficient freeboard when loaded with their full complement of persons and equipment.

Each boat must be of sufficient strength to enable it to be safely lowered into the water when loaded with its full complement of persons and equipment.

Article 17.

Embarkation of the Passengers in the Boats.

Suitable arrangements shall be made for embarking the passengers in the boats at an embarkation deck. There shall also be a suitable ladder provided at each set of davits.

Article 18.

Capacity of Boats and Life Rafts.

The number of persons that a boat of one of the standard types or an approved life raft or buoyant apparatus can accommodate and the conditions of approval of life rafts and buoyant apparatus shall be ascertained in accordance with the provisions of Regulations XXX to XXXV inclusive.

Article 19.

Equipment of Boats and Life Rafts.

Regulation XXXVI prescribes the equipment for boats and life rafts.

1st Sch.
—*cont.*

ARTICLE 20.

Life-jackets and Life-buoys.

1. Every ship to which this Chapter applies shall carry for every person on board a life-jacket of a type approved by the Administration, and in addition, unless these life-jackets can be adapted for use by children, a sufficient number of life-jackets suitable for children.

2. Every such ship shall also carry life-buoys of a type approved as aforesaid to the number required by Regulation XL.

3. A life-jacket or life-buoy shall not be approved by an Administration unless it satisfies the requirements of Regulation XL applicable to life-jackets and life-buoys respectively.

4. In this Article the expression "life-jacket" includes any appliance capable of being fitted on the body, having the same buoyancy as a life-jacket.

ARTICLE 21.

Means of Ingress and Egress. Emergency Lighting.

1. Proper arrangements shall be made for ingress to and egress from the different compartments, decks, &c.

2. Provision shall be made for an electric or other system of lighting, sufficient for all requirements of safety, in the different parts of the ship, and particularly upon the decks on which the lifeboats are stowed. On ships in which the boat deck is more than 9.15 metres (30 feet) above the waterline at the lightest seagoing draught, provision shall be made for the illumination from the ship of the lifeboats when alongside and in process of or immediately after being launched. There must be a self-contained source capable of supplying, when necessary, this safety lighting system, and placed in the upper parts of the ship above the bulkhead deck.

3. The exit from every main compartment occupied by passengers or crew shall be continuously lighted by an emergency lamp. The power for these emergency lamps shall be so arranged that they will be supplied from the independent installation referred to in the preceding paragraph in the event of failure of the main generating plant.

ARTICLE 22.

Certificated Lifeboatmen. Manning of the Boats.

1. In every ship to which this Chapter applies there must be, for any boat or life raft carried in order to comply with this

Chapter, such number of certificated lifeboatmen as is required by Regulation XLI for that boat.

2. The allocation of the certificated lifeboatmen to each boat and life raft remains within the discretion of the master, according to the circumstances.

3. By "certificated lifeboatman" is meant any member of the crew who holds a certificate of efficiency issued under the authority of the Administration in accordance with the conditions laid down in the afore-mentioned Regulation.

4. The manning of the boats shall be as prescribed in Regulation XLII.

Article 23.

Line-throwing Appliances.

Every ship to which this Chapter applies shall carry a line-throwing appliance of a type approved by the Administration.

Article 24.

Dangerous Goods. Fire Protection.

1. The carriage, either as cargo or ballast, of goods which by reason of their nature, quantity, or mode of stowage, are, either singly, or collectively, liable to endanger the lives of the passengers or the safety of the ship, is forbidden.

This provision does not apply to the ship's distress signals, nor to the carriage of naval or military stores for the public service of the State under conditions authorised by the Administration.

Each Administration shall, from time to time by official notice, determine what goods are to be considered dangerous goods, and shall indicate the precautions which must be taken in the packing and stowage thereof.

2. The arrangements to be made for the detection and extinction of fire shall be as prescribed in Regulation XLIII.

Article 25.

Muster Roll and Drills.

Special duties for the event of an emergency shall be allotted to each member of the crew.

The muster list shall show all these special duties and shall indicate, in particular, the station to which each man must go, and the duties that he has to perform.

1st Sch. —cont.

Before the vessel sails, the muster list shall be drawn up and exhibited, and the proper authority shall be satisfied that the muster list has been prepared for the ship. It shall be posted in several parts of the ship, and in particular in the crew's quarters.

Regulations XLIV and XLV prescribe the conditions under which musters of the crew and drills shall take place.

CHAPTER IV.—RADIOTELEGRAPHY.

ARTICLE 26.

Application and Definition.

1. This Chapter applies to all ships engaged on international voyages except cargo ships of less than 1,600 tons gross tonnage.

2. For the purposes of this Chapter a cargo ship means any ship not being a passenger ship.

ARTICLE 27.

Fitting of Radio Installation.

1. All ships to which this Chapter applies shall, unless exempted under Article 28, be fitted with a radiotelegraph installation complying with the provisions of Article 31, as follows :—

(*a*) All passenger ships, irrespective of size :

(*b*) All cargo ships of 1,600 tons gross tonnage and upwards.

2. Each Administration may delay the application of the provisions of paragraph 1 (*b*) to cargo ships belonging to its country of less than 2,000 tons gross tonnage for a period not exceeding five years from the date of the coming into force of the present Convention.

ARTICLE 28.

Exemptions from the Requirements of Article 27.

1. Each Administration may, if it considers that the route and the conditions of the voyage are such as to render a radiotelegraph installation unreasonable or unnecessary, exempt ships belonging to its country from the requirements of Article 27 as follows :—

I.—*Passenger Ships.*

(*a*) Individual passenger ships or classes of passenger ships which, in the course of their voyage, do not go more than—

(i) 20 miles from the nearest land ; or

(ii) 200 miles in the open sea between two consecutive ports.

1st Sch.
—*cont.*

(*b*) Passenger ships which make voyages entirely within the restricted areas specified in the Annex to this Article.

II.—*Cargo Ships.*

Individual cargo ships or classes of cargo ships which, in the course of their voyage, do not go more than 150 miles from the nearest land.

2. Each Administration may, in addition, exempt ships belonging to its country of the following classes :—

I.—Barges in tow and existing sailing ships.

An existing sailing ship is one the keel of which is laid before the 1st July, 1931.

II.—Ships of primitive build, such as dhows, junks, &c., if it is practically impossible to fit them with a radio-telegraph installation.

III.—Ships which are not normally engaged on international voyages, but which in exceptional circumstances are required to undertake a single voyage of that kind.

Annex to Article 28.

1. The Baltic Sea and approaches thereto East of a line drawn from Utsire (Norway) in the North to Texel (Netherlands) in the South, outside the territorial jurisdiction of the Union of Socialist Soviet Republics.

2. The portions of the Gulf of Tartary and the Sea of Okhotsk covered in voyages between ports in Hokkaido and ports in Japanese Sakhalin.

3. The Chosen (Tyosen) Strait between a line in the North drawn from Kawajiri Misaki (Cape Natsungu) to Fusan, and a line in the South drawn from Nagasaki to Giffard Island (off the South-West point of Quelpart Island) and thence to Tin To (Amherst Island).

4. The Yellow Sea North of Parallel 37° North.

5. The Formosa Strait between a line in the North drawn from Fuki Kaku (Syauki Point) to Foochow and a line in the South drawn from South Cape (the South point of Formosa) to Hong Kong.

6. The area within the following limits :—

Parallel 10° N. from long. 94° E. to the coast of Asia, coast of Asia to Saigon (Cape Tiwan), straight lines between Cape Tiwan, lat. 4° 30′ N. long. 110° E., south point of Palawan Island, Palmas (Miangas) Island, lat. 0° long. 140° E., lat. 0° long. 148° E., lat. 10° S. long. 148° E., Cape York, north coast of Australia

1st Sch. —*cont.*

from Cape York to Port Darwin (Cape Charles), straight lines between Cape Charles, Ashmore Reef (East Island), lat. 10° S. long. 109° E., Christmas Island, lat. 2° N. long. 94° E., lat. 10° N. long. 94° E., outside the territorial jurisdiction of Australia and of the United States of America.

7. The Caribbean Sea, outside the territorial jurisdiction of the United States of America, in relation to voyages made by sailing ships only.

8. The area of the South Pacific Ocean bounded by the Equator, Meridian 130° W., Parallel 34° S., and the coast of Australia, outside the territorial jurisdiction of Australia.

9. The Tong King Gulf and portions of the China Sea lying to the West of a line drawn from Hong Kong to lat. 17° N. long 110° E., thence due South to lat. 10° N., and thence West to Saigon.

10. The portions of the Indian Ocean covered in voyages between ports in Madagascar, Reunion and the Mauritius Islands.

11. The portions of the North Atlantic Ocean and Mediterranean Sea covered in voyages between Casablanca (Morocco) and Oran (Algeria) and intermediate ports.

ARTICLE 29.

Watches.

1. *Passenger Ships.*

Each passenger ship which, in accordance with Article 27, is required to be fitted with a radiotelegraph installation, shall, for safety purposes, carry a qualified operator, and, if not fitted with an auto-alarm, shall, whilst at sea, keep watches by means of a qualified operator or a certified watcher, as under :—

(*a*) All passenger ships under 3,000 tons gross tonnage, as determined by the Administration concerned:

(*b*) All passenger ships of 3,000 tons gross tonnage and over, continuous watch.

Each Administration is authorised to exempt passenger ships belonging to its country from 3,000 tons to 5,500 tons gross tonnage, both included, from the requirement of a continuous watch for a period not exceeding one year from the date of the coming into force of the present Convention, provided that during the period of such exemption they shall maintain a watch of at least 8 hours per day.

2. *Cargo Ships.*

Each cargo ship which, in accordance with Article 27, is required to be fitted with a radiotelegraph installation, shall, for safety purposes, carry a qualified operator, and, if not fitted with an auto-alarm, shall, whilst at sea, keep watches by means of a qualified operator or a certified watcher, as under:—

(*a*) All cargo ships under 3,000 tons gross tonnage, as determined by the Administration concerned:

(*b*) Cargo ships from 3,000 to 5,500 tons gross tonnage, both included, at least 8 hours' watch per day:

(*c*) Cargo ships over 5,500 tons gross tonnage, continuous watch.

Each Administration is authorised to exempt ships belonging to its country included in (*c*) above from the requirement of a continuous watch for a period not exceeding one year from the date of the coming into force of the present Convention, provided that during the period of such exemption they shall maintain a watch of at least 8 hours per day.

Each Administration is also authorised to exempt ships belonging to its country from 5,500 tons to 8,000 tons gross tonnage from the requirement of a continuous watch for a further period of one year, provided that during this further period of exemption they shall maintain a watch of at least 16 hours per day.

3. On all ships fitted with an auto-alarm this auto-alarm shall, whilst the ship is at sea, always be in operation when the operator or watcher is not on watch.

On ships for which the hours of watch are to be determined by the Administration concerned, such watch should be maintained preferably at hours prescribed for radiotelegraph service by the International Radiotelegraph Convention in force.

On ships which are required to keep 8 hours' or 16 hours' watch per day, such watch shall be maintained at the hours prescribed for radiotelegraph service by the International Radiotelegraph Convention in force.

4. By "auto-alarm" is meant an automatic alarm receiver which complies with the requirements of Article 19, section 21, of the General Regulations annexed to the International Radiotelegraph Convention, 1927.

5. By "qualified operator" is meant a person holding a certificate complying with the provisions of the General Regulations annexed to the International Radiotelegraph Convention in force.

6. By "certified watcher" is meant any person holding a watcher's certificate issued under the authority of the Administration.

1st Sch.
—*cont.*

Article 30.

Watchers.

1. A watcher's certificate shall not be granted by a Contracting Government unless the applicant proves that he is capable—

(*a*) of receiving and understanding the alarm, distress, safety and urgency signals when these signals occur among a series of other signals;

(*b*) of correct reception by ear of code groups (mixed letters, figures and punctuation marks) at a speed of sixteen groups per minute, each group being composed of five characters and each figure or punctuation mark counting as two characters;

(*c*) of regulating the receivers used in the ship's radiotelegraph installation.

2. The Contracting Governments undertake to take steps to ensure that certified watchers observe the secrecy of correspondence.

Article 31.

Technical Requirements.

The radiotelegraph installations required by Article 27 above and the direction-finding apparatus required by Article 47 shall comply with the following requirements:—

1. The ship's station must be placed in accordance with the detailed Regulations of the Government of the country to which the ship belongs, in the upper part of the ship in a position of the greatest possible safety, as high as practicable above the deepest load water line.

2. There shall be provided, between the bridge of the ship and the wireless telegraph room, means of communication either by voice pipe or by telephone or in some other manner equally efficient.

3. A reliable clock with a seconds hand must be provided in the wireless telegraph room.

4. A reliable emergency light must be provided in the wireless telegraph room.

5. The installation shall comprise a main installation and an emergency (reserve) installation. If, however, the main installation complies with all the requirements of an emergency (reserve) installation the latter is not then obligatory.

6. The main and emergency (reserve) installations must be capable of transmitting and receiving on the frequencies (wave

lengths) and types of waves assigned by the International Radiotelegraph Convention in force for the purpose of distress and safety of navigation to ships compulsorily fitted with radiotelegraph installations in accordance with the present Convention.

7. The main and emergency (reserve) transmitters shall have a note frequency of at least 100.

8. The main transmitter shall have a *normal range* of 100 nautical miles, that is to say, it must be capable of transmitting clearly perceptible signals from ship to ship over a range of at least 100 nautical miles by day under normal conditions and circumstances, the receiver being assumed to be one employing a rectifier of the crystal type without amplification.*

9. Sufficient power must be available in a ship station at all times to operate the main radiotelegraph installation efficiently under normal conditions over the above range.

10. All parts of the emergency (reserve) installation shall be placed in the upper part of the ship in a position of the greatest possible safety, as high above the deepest load water line as practicable. The emergency (reserve) installation must be provided with a source of energy independent of the propelling power of the ship and of the main electricity system and must be capable of being put into operation rapidly and of working for at least six continuous hours.

For the emergency (reserve) installation, the normal range as defined in paragraph 8 above must be at least 80 nautical miles for ships required to maintain a continuous watch and at least 50 nautical miles for all other ships.*

11. The receiving installation must permit of the reception of such of the waves used for the transmission of time signals and meteorological messages as may be considered necessary by the Administration.

12. The receiver must be so arranged as to be capable of maintaining reception by means of a rectifier of the crystal type.

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* Unless a more precise and practical method is available to determine the range of transmitters it is recommended that, as a guide, the following relations between the range in nautical miles (from ship to ship under normal conditions in daytime) and the power of the ship transmitter in metre ampères for 500 kilocycles per second (600 m.) be used :—

100 nautical miles - 60 MA
80 nautical miles - 45 MA
50 nautical miles - 25 MA

M being the actual height in metres of the aerial from its highest point to the load line.

A being the current in ampères measured at the base of the aerial in case of B, or fully modulated A2, transmitters.

1st Sch. —*cont.*

13. In ships in which watch is kept by means of an automatic alarm receiver a means of giving audible warning shall be provided in the wireless telegraph room, in the wireless operator's cabin, and on the bridge, which shall operate continuously after the receiver has been operated by the alarm signal or distress call until stopped. Only one switch for stopping the warning shall be provided and this shall be situated in the wireless telegraph room.

14. In such ships the wireless operator, when going off watch, shall connect the automatic alarm receiver to the aerial and test its efficiency. He shall report to the master or the officer on watch on the bridge whether it is in working order.

15. Whilst the ship is at sea the emergency source of power shall be maintained at its full efficiency and the automatic alarm receiver shall be tested at least once every 24 hours. A statement that both these requirements have been fulfilled must be inserted in the ship's official log daily.

16. A wireless log shall be carried by every ship compulsorily equipped with wireless transmitting apparatus. This document shall be kept in the wireless telegraph room, and in it shall be inserted the names of the operators and watchers as well as all incidents and occurrences connected with the wireless service which may appear to be of importance to safety of life at sea, and in particular all distress messages and distress traffic in full.

17. The direction-finding apparatus required by Article 47 shall be efficient and capable of receiving clearly perceptible signals and of taking bearings from which the true bearing and direction may be determined. It shall be capable of receiving signals on the frequencies prescribed for distress, direction finding and wireless telegraph beacons by the International Radiotelegraph Convention in force.

Efficient communication shall be provided between the apparatus and the bridge.

Article 32.

Competence.

The matters governed by the International Radiotelegraph Convention, Washington, 1927, and the Regulations annexed thereto remain, and will continue, subject to the provisions :—

(1) Of that Convention and of the Regulations annexed thereto, and of any Convention and Regulations which may in the future be substituted therefor;

(2) Of the present Convention in regard to all the points in which it supplements the aforementioned documents.

CHAPTER V.—SAFETY OF NAVIGATION.

ARTICLE 33.

Application.

The provisions of this Chapter referring to ships, unless otherwise expressly provided, apply to all ships on all voyages.

ARTICLE 34.

Danger Messages.

The master of every ship which meets with dangerous ice, a dangerous derelict, a dangerous tropical storm or any other direct danger to navigation is bound to communicate the information, by all the means of communication at his disposal, to the ships in the vicinity, and also to the competent authorities at the first point of the coast with which he can communicate. It is desirable that the said information be sent in the manner set out in Regulation XLVI.

Each Administration will take all steps which it thinks necessary to ensure that when intelligence of any of the dangers specified in the previous paragraph is received, it will be promptly brought to the knowledge of those concerned and communicated to other Administrations interested.

The transmission of messages respecting the dangers specified is free of cost to the ships concerned.

ARTICLE 35.

Meteorological Services.

The Contracting Governments undertake to encourage the collection of meteorological data by ships at sea, and to arrange for their examination, dissemination and exchange in the manner most suitable for the purpose of aiding navigation.

In particular, the Contracting Governments undertake to co-operate in carrying out, as far as practicable, the following meteorological arrangements :—

(*a*) To warn ships of gales, storms and tropical storms, both by the issue of wireless messages and by the display of appropriate signals at coastal points :

(*b*) To issue daily, by radio, weather bulletins suitable for shipping, containing data of existing weather conditions and forecasts :

(*c*) To arrange for certain selected ships to take meteorological observations at specified hours, and to transmit such observations by wireless telegraphy for the benefit of other ships and of the various official meteorological services; and to provide coast stations for the reception of the messages transmitted:

(*d*) To encourage all ship-masters to inform surrounding ships whenever they experience wind force of 10 or above on the Beaufort scale (force 8 or above on the decimal scale).

The information provided for in paragraphs (*a*) and (*b*) of this Article will be furnished in form for transmission in accordance with Article 31, sections 1, 3 and 5, and Article 19, section 25, of the General Regulations annexed to the International Radiotelegraph Convention, Washington, 1927, and during transmission "to all stations" of meteorological information, forecasts and warnings, all ship stations must conform to the provisions of Article 31, section 2, of those General Regulations.

Weather observations from ships addressed to national meteorological services will be transmitted with the priority specified in Article 3, Additional Regulations, International Radiotelegraph Convention, Washington, 1927.

Forecasts, warnings, synoptic and other meteorological reports intended for ships shall be issued and disseminated by the national service in the best position to serve various zones and areas, in accordance with mutual arrangements made by the countries concerned.

Every endeavour will be made to obtain a uniform procedure in regard to the international meteorological services specified in this Article, and, as far as is practicable, to conform to the recommendations made by the International Meteorological Organization, to which organization the Contracting Governments may refer for study and advice any meteorological questions which may arise in carrying out the present Convention.

ARTICLE 36.

Ice Patrol. Derelicts.

The Contracting Governments undertake to continue a service of ice patrol and a service for study and observation of ice conditions in the North Atlantic. Further, they undertake to take all practicable steps to ensure the destruction or removal of derelicts in the northern part of the Atlantic Ocean east of the line drawn from Cape Sable to a point in latitude 34° N. longitude 70° W. if this destruction or removal is considered necessary at the time.

The Contracting Governments undertake to provide not more than three vessels for these three services. During the whole of the ice season they shall be employed in guarding the

1st Sch.
—*cont.*

south-eastern, southern and south-western limits of the regions of icebergs in the vicinity of the Great Bank of Newfoundland for the purpose of informing trans-Atlantic and other passing vessels of the extent of this dangerous region; for the observation and study of ice conditions in general; for the destruction or removal of derelicts; and for the purpose of affording assistance to vessels and crews requiring aid within the limits of operation of the patrol vessels.

During the rest of the year the study and observation of ice conditions shall be maintained as advisable, and one vessel shall always be available for the search for, and destruction or removal of derelicts.

Article 37.

Ice Patrol. Management and Cost.

The Government of the United States is invited to continue the management of these services of ice patrol, study and observation of ice conditions, and derelict destruction and removal. The Contracting Governments specially interested in these services, whose names are given below, undertake to contribute to the expense of maintaining and operating these services in the following proportions :—

	Per cent.
Belgium	2
Canada	3
Denmark	2
France	6
Germany	10
Great Britain and Northern Ireland	40
Italy	6
Japan	1
Netherlands	5
Norway	3
Spain	1
Sweden	2
Union of Socialist Soviet Republics	1
United States of America	18

Each of the Contracting Governments has the right to discontinue its contribution to the expense of maintaining and operating these services after the 1st September, 1932. Nevertheless, the Contracting Government which avails itself of this right will continue responsible for the expense of working up to the 1st September following the date of giving notice of intention to discontinue its contribution. To take advantage of the said right it must give notice to the other Contracting Governments at least six months before the said 1st September; so that, to be free from this obligation on the 1st September, 1932, it must

1ST SCH. —*cont.*

give notice on the 1st March, 1932, at the latest, and similarly for each subsequent year.

If, at any time, the United States Government should not desire to continue these services, or if one of the Contracting Governments should express a wish to relinquish responsibility for the pecuniary contribution defined above, or to have its percentage of obligation altered, the Contracting Governments shall settle the question in accordance with their mutual interests.

The Contracting Governments which contribute to the cost of the three above-mentioned services shall have the right by common consent to make from time to time such alterations in the provisions of this Article and of Article 36 as appear desirable.

ARTICLE 38.

Speed near Ice.

When ice is reported on, or near, his course, the master of every ship at night is bound to proceed at a moderate speed or to alter his course so as to go well clear of the danger zone.

ARTICLE 39.

North Atlantic Routes.

The practice of following recognised routes across the North Atlantic in both directions has contributed to safety of life at sea, but the working of these routes should be further investigated and studied with a view to the introduction of such variations as experience may show to be necessary.

The selection of the routes and the initiation of action with regard to them is left to the responsibility of the steamship companies concerned. The Contracting Governments will assist the companies, when requested to do so, by placing at their disposal any information bearing on the routes which may be in the possession of the Governments.

The Contracting Governments undertake to impose on the companies the obligation to give public notice of the regular routes which they propose their vessels should follow, and of any changes made in these routes; they will also use their influence to induce the owners of all vessels crossing the Atlantic to follow, so far as circumstances will permit, the recognised routes, and to induce the owners of all vessels crossing the Atlantic bound to or from ports of the United States viâ the vicinity of the Great Bank of Newfoundland to avoid, as far as practicable, the fishing banks of Newfoundland north of latitude 43° N. during the fishing season, and to pass outside regions known or believed to be endangered by ice.

The Administration managing the ice patrol service is requested to report to the Administration concerned any ship which is observed not to be on any regular, recognised or advertised route, or which crosses the above-mentioned fishing banks during the fishing season, or which, when proceeding to or from ports of the United States, passes through regions known or believed to be endangered by ice.

Article 40.

Collision Regulations.

The Contracting Governments agree that the alterations in the International Regulations for Preventing Collisions at Sea shown in Annex II are desirable and ought to be made. The Government of the United Kingdom of Great Britain and Northern Ireland is requested to forward full particulars of the alterations to the other Governments who have accepted the International Regulations for Preventing Collisions at Sea, and ascertain whether they will adopt these alterations; to report the results to the Governments represented at this Conference, and to endeavour to arrange that the revised regulations shall come in force on the 1st July, 1931.

Article 41.

Helm Orders.

The Contracting Governments agree that after midnight on the 30th June, 1931, helm or steering orders, i.e., orders to the steersman, shall on all their ships be given in the direct sense, e.g., when the ship is going ahead an order containing the word "starboard" or "right" or any equivalent of "starboard" or "right" shall only be used when it is intended, on ships as at present generally constructed and arranged, that the wheel, the rudder-blade and the head of the ship, shall all move to the right.

Article 42.

Misuse of Distress Signals.

The use of an international distress signal, except for the purpose of indicating that a vessel is in distress, and the use of any signal which may be confused with an international distress signal, are prohibited on every ship.

Article 43.

Alarm, Distress and Urgency Signals.

The alarm signal and the distress signal may only be used by ships in serious and imminent danger which require immediate

1st Sch. —*cont.*

assistance. In all other cases in which assistance is required, or in which a vessel desires to issue a warning that it may become necessary to send out the alarm signal or the distress signal at a later stage, use must be made of the urgency signal (XXX) established by the International Radiotelegraph Convention, Washington, 1927.

If a ship has sent out the alarm or distress signal and subsequently finds that assistance is no longer required such ship shall immediately notify all stations concerned as provided for by the Radiotelegraph Convention in force.

Article 44.

Speed of Distress Messages.

The speed of transmission of messages in connection with cases of distress, urgency or safety, shall not exceed 16 words per minute.

Article 45.

Distress Messages. Procedure.

1. The master of a ship on receiving on his ship a wireless distress signal from any other ship, is bound to proceed with all speed to the assistance of the persons in distress, unless he is unable, or in the special circumstances of the case, considers it unreasonable or unnecessary to do so, or unless he is released under the provisions of paragraphs 3 and 4 of this Article.

2. The master of a ship in distress, after consultation, so far as may be possible, with the masters of the ships which answer his call for assistance, has the right to requisition such one or more of those ships as he considers best able to render assistance, and it shall be the duty of the master or masters of the ship or ships requisitioned to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

3. A master shall be released from the obligation imposed by paragraph 1 of this Article as soon as he is informed by the master of the ship requisitioned, or, where more ships than one are requisitioned, all the masters of the ships requisitioned, that he or they are complying with the requisition.

4. A master shall be released from the obligation imposed by paragraph 1 of this Article, and, if his ship has been requisitioned, from the obligation imposed by paragraph 2 of this Article, if he is informed by a ship which has reached the persons in distress that assistance is no longer necessary.

5. If a master of a ship, on receiving a wireless distress call from another ship, is unable, or in the special circumstances of

1st Sch. —*cont.*

the case considers it unreasonable or unnecessary to go to the assistance of that other ship, he must immediately inform the master of that other ship accordingly, and enter in his log-book his reasons for failing to proceed to the assistance of the persons in distress.

6. The provisions of this Article do not prejudice the International Convention for the unification of certain rules with respect to Assistance and Salvage at Sea, signed at Brussels on the 23rd September, 1910, particularly the obligation to render assistance imposed by Article 11 of that Convention.

Article 46.

Signalling Lamp.

All ships of over 150 tons gross tonnage, when engaged on international voyages, shall have on board an efficient signalling lamp.

Article 47.

Direction-finding Apparatus.

Every passenger ship of 5,000 tons gross tonnage and upwards shall, within two years from the date on which the present Convention comes in force, be provided with an approved direction-finding apparatus (radio compass), complying with the provisions of Article 31 (17) of the present Convention.

Article 48.

Manning.

The Contracting Governments undertake, each for its national ships, to maintain, or, if it is necessary, to adopt, measures for the purpose of ensuring that, from the point of view of safety of life at sea, all ships shall be sufficiently and efficiently manned.

Chapter VI.—Certificates.

Article 49.

Issue of Certificates.

A certificate called a *Safety Certificate* shall be issued, after inspection and survey, to every passenger ship which complies in an efficient manner with the requirements of Chapters II, III and IV of the Convention.

A certificate called a *Safety Radiotelegraphy Certificate* shall be issued after inspection to every ship other than a passenger ship which complies in an efficient manner with the requirements of Chapter IV of the present Convention.

1ST SCH. —*cont.*

A certificate called an *Exemption Certificate* shall be issued to every ship to which exemption is granted by a Contracting Government under, and in accordance with, the provisions of Chapters II, III and IV of the present Convention.

The inspection and survey of ships, so far as regards the enforcement of the provisions of the present Convention and the annexed Regulations applicable to such ships and the granting of exemptions therefrom, shall be carried out by officers of the country in which the ship is registered, provided that the Government of each country may entrust the inspection and survey of its ships either to surveyors nominated for this purpose or to organisations recognised by it. In every case the Government concerned fully guarantees the completeness and efficiency of the inspection and survey.

A Safety Certificate, Safety Radiotelegraphy Certificate, and Exemption Certificate shall be issued either by the Government of the country in which the ship is registered or by any person or organisation duly authorised by that Government. In every case that Government assumes full responsibility for the certificate.

ARTICLE 50.

Issue of Certificate by another Government.

A Contracting Government may, at the request of the Government of a country in which a ship coming under the present Convention is registered, cause that ship to be surveyed, and, if satisfied that the requirements of the present Convention are complied with, issue a Safety Certificate or Safety Radiotelegraphy Certificate to such ship, under its own responsibility. Any certificate so issued must contain a statement to the effect that it has been issued at the request of the Government of the country in which the ship is registered, and it shall have the same force and receive the same recognition as a certificate issued under Article 49 of the present Convention.

ARTICLE 51.

Form of Certificates.

All certificates shall be drawn up in the official language or languages of the country by which they are issued.

The form of the certificates shall be that of the models given in Regulation XLVII. The arrangement of the printed part of the standard certificates shall be exactly reproduced in the certificates issued, or in certified copies thereof, and the particulars inserted by hand shall in the certificates issued, or in certified copies thereof, be inserted in Roman characters and Arabic figures.

1st Sch.
—*cont.*

The Contracting Governments undertake to communicate one to another a sufficient number of specimens of their certificates for the information of their officers. This exchange shall be made, so far as possible, before the 1st January, 1932.

Article 52.

Duration of Certificates.

Certificates shall not be issued for a period of more than twelve months.

If a ship at the time when its certificate expires is not in a port of the country in which it is registered the certificate may be extended by a duly authorised officer of the country to which the ship belongs; but such extension shall be granted only for the purpose of allowing the ship to complete its return voyage to its own country, and then only in cases in which it appears proper and reasonable so to do.

No certificate shall be extended for a longer period than five months, and a ship to which such extension is granted shall not, on returning to its own country, be entitled by virtue of such extension to leave the country again without having obtained a new certificate.

Article 53.

Acceptance of Certificates.

Certificates issued under the authority of a Contracting Government shall be accepted by the other Contracting Governments for all purposes covered by the present Convention. They shall be regarded by the other Contracting Governments as having the same force as the certificates issued by them to their own ships.

Article 54.

Control.

Every ship holding a certificate issued under Article 49 or Article 50 is subject, in the ports of the other Contracting Governments to control by officers duly authorised by such Governments in so far as this control is directed towards verifying that there is on board a valid certificate, and if necessary, that the conditions of the vessel's seaworthiness correspond substantially with the particulars of that certificate, that is to say, so that the ship can proceed to sea without danger to the passengers and the crew.

In the event of this control giving rise to intervention of any kind, the officer carrying out the control shall forthwith inform the Consul of the country in which the ship is registered of all the circumstances in which intervention is deemed to be necessary.

ARTICLE 55.

Privileges.

The privileges of the present Convention may not be claimed in favour of any ship unless it holds a proper valid certificate.

ARTICLE 56.

Qualification of Certificate.

If in the course of a particular voyage the ship has on board a number of crew and passengers less than the maximum number which the ship is licensed to carry, and is in consequence, in accordance with the provisions of the present Convention, free to carry a smaller number of life-boats and other life-saving appliances than that stated in the certificate, a memorandum may be issued by the officers or other authorised persons referred to in Articles 49 and 52 above.

This memorandum shall state that in the circumstances there is no infringement of the provisions of the present Convention. It shall be annexed to the certificate and shall be substituted for it in so far as the life-saving appliances are concerned. It shall be valid only for the particular voyage in regard to which it is issued.

CHAPTER VII.—GENERAL PROVISIONS.

ARTICLE 57.

Equivalents.

Where in the present Convention it is provided that a particular fitting, appliance or apparatus, or type thereof, shall be fitted or carried in a ship, or that any particular arrangement shall be adopted, any Administration may accept in substitution therefor any other fitting, appliance or apparatus, or type thereof, or any other arrangement, provided that such Administration shall have been satisfied by suitable trials that the fitting, appliance or apparatus, or type thereof, or the arrangement substituted is at least as effective as that specified in the present Convention.

Any Administration which so accepts a new fitting, appliance or apparatus, or type thereof, or new arrangement, shall communicate the fact to the other Administrations, and, upon request, the particulars thereof, together with a report on the trials made.

Article 58.

Laws, Regulations, Reports.

The Contracting Governments undertake to communicate to each other—

(1) the text of laws, decrees and regulations which shall have been promulgated on the various matters within the scope of the present Convention;

(2) all available official reports or official summaries of reports in so far as they show the results of the provisions of the present Convention, provided always that such reports or summaries are not of a confidential nature.

The Government of the United Kingdom of Great Britain and Northern Ireland is invited to serve as an intermediary for collecting all this information and for bringing it to the knowledge of the other Contracting Governments.

Article 59.

Measures taken after Agreement.

Where the present Convention provides that a measure may be taken after agreement between all or some of the Contracting Governments, the Government of the United Kingdom of Great Britain and Northern Ireland is invited to approach the other Contracting Governments with a view to ascertaining whether they accept such proposals as may be made by any Contracting Government for effecting such a measure, and to inform the other Contracting Governments of the results of the enquiries thus made.

Article 60.

Prior Treaties and Conventions.

1. The present Convention replaces and abrogates the Convention for the Safety of Life at Sea, which was signed at London on the 20th January, 1914.

2. All other treaties, conventions and arrangements, relating to safety of life at sea, or matters appertaining thereto, at present in force between Governments parties to the present Convention, shall continue to have full and complete effect during the terms thereof as regards—

(*a*) ships to which the present Convention does not apply;

(*b*) ships to which the present Convention applies, in respect of subjects for which it has not expressly provided.

1st Sch. —*cont.*

To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the present Convention, the provisions of the present Convention shall prevail.

3. All subjects which are not expressly provided for in the present Convention remain subject to the legislation of the Contracting Governments.

ARTICLE 61.

Modifications. Future Conferences.

1. Modifications of the present Convention which may be deemed useful or necessary improvements may be at any time proposed by any Contracting Government to the Government of the United Kingdom of Great Britain and Northern Ireland, and such proposals shall be communicated by the latter to all the other Contracting Governments, and if any such modifications are accepted by all the Contracting Governments (including Governments which have deposited ratifications or accessions which have not yet become effective) the present Convention shall be modified accordingly.

2. Conferences for the purpose of revising the present Convention shall be held at such times and places as may be agreed upon by the Contracting Governments.

A Conference for this purpose shall be convoked by the Government of the United Kingdom of Great Britain and Northern Ireland whenever, after the present Convention has been in force for five years, one-third of the Contracting Governments express a desire to that effect.

CHAPTER VIII.—FINAL PROVISIONS.

ARTICLE 62.

Application to Colonies, &c.

1. A Contracting Government may, at the time of signature, ratification, accession or thereafter, by a declaration in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, declare its desire that the present Convention shall apply to all or any of its colonies, overseas territories, protectorates or territories under suzerainty or mandate, and the present Convention shall apply to all the territories named in such declaration, two months after the date of the receipt thereof, but failing such declaration the present Convention will not apply to any such territories.

2. A Contracting Government may at any time by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland express its desire

that the present Convention shall cease to apply to all or any of its colonies, overseas territories, protectorates or territories under suzerainty or mandate to which the present Convention shall have, under the provisions of the preceding paragraph, been applicable for a period of not less than five years, and in such case the present Convention shall cease to apply one year after the date of the receipt of such notification by the Government of the United Kingdom of Great Britain and Northern Ireland to all territories mentioned therein.

3. The Government of the United Kingdom of Great Britain and Northern Ireland shall inform all the other Contracting Governments of the application of the present Convention to any colony, overseas territory, protectorate or territory under suzerainty or mandate under the provisions of paragraph 1 of this Article, and of the cessation of any such application under the provisions of paragraph 2, stating in each case the date from which the present Convention has become or will cease to be applicable.

ARTICLE 63.

Authentic Texts. Ratification.

The present Convention of which both the English and French texts shall be authentic shall bear this day's date.

The present Convention shall be ratified.

The instruments of ratification shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland which will notify all the other signatory or acceding Governments of all ratifications deposited and the date of their deposit.

ARTICLE 64.

Accession.

A Government (other than the Government of a territory to which Article 62 applies) on behalf of which the present Convention has not been signed shall be allowed to accede thereto at any time after the Convention has come into force. Accessions may be effected by means of notifications in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, and shall take effect three months after their receipt.

The Government of the United Kingdom of Great Britain and Northern Ireland shall inform all signatory and acceding Governments of all accessions received and of the date of their receipt.

A Government which intends to accede to the present Convention but desires to add an area to those specified in the

1st Sch. —*cont.*

Annex to Article 28 shall, before notifying its accession, inform the Government of the United Kingdom of Great Britain and Northern Ireland of its desire for communication to all the other Contracting Governments. If all the Contracting Governments signify their assent thereto, the area shall be added to those mentioned in the aforesaid Annex when such Government notifies its accession.

Article 65.

Date of coming in Force.

The present Convention shall come into force on the 1st July, 1931, as between the Governments which have deposited their ratifications by that date, and provided that at least five ratifications have been deposited with the Government of the United Kingdom of Great Britain and Northern Ireland. Should five ratifications not have been deposited on that date, the present Convention shall come into force three months after the date on which the fifth ratification is deposited. Ratifications deposited after the date on which the present Convention has come into force shall take effect three months after the date of their deposit.

Article 66.

Denunciation.

The present Convention may be denounced on behalf of any Contracting Government at any time after the expiration of five years from the date on which the Convention comes into force in so far as that Government is concerned. Denunciation shall be effected by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, which will notify all the other Contracting Governments of all denunciations received and of the date of their receipt.

A denunciation shall take effect twelve months after the date on which notification thereof is received by the Government of the United Kingdom of Great Britain and Northern Ireland.

ANNEX I.

Regulations.

CONSTRUCTION.

Regulation I.

Definitions.

(1) The *subdivision loadline* is the waterline used in determining the subdivision of the ship.

The *deepest subdivision loadline* is that which corresponds to the greatest draught.

(2) The *length of the ship* is the length measured between perpendiculars taken at the extremities of the deepest subdivision loadline.

(3) The *breadth of the ship* is the extreme width from outside of frame to outside of frame at or below the deepest subdivision loadline.

(4) The *bulkhead deck* is the uppermost deck up to which the transverse watertight bulkheads are carried.

(5) The *margin line* is a line drawn parallel to the bulkhead deck at side and 3 inches (76 millimetres) below the upper surface of that deck at side.

(6) The *draught* is the vertical distance from the top of keel amidships to the subdivision loadline in question.

(7) The *permeability* of a space is the percentage of that space which can be occupied by water.

The volume of a space which extends above the margin line shall be measured only to the height of that line.

(8) The *machinery space* is to be taken as extending from the top of keel to the margin line and between the extreme main transverse watertight bulkheads bounding the spaces devoted to the main and auxiliary propelling machinery, boilers when installed, and all permanent coal bunkers.

(9) *Passenger spaces* are those which are provided for the accommodation and use of passengers, excluding baggage, store, provision and mail rooms.

For the purposes of Regulations III and IV, spaces provided below the margin line for the accommodation and use of the crew shall be regarded as passenger spaces.

(10) In all cases *volumes* shall be calculated to moulded lines.

Regulation II.

Floodable Length.

(1) The floodable length at any point of the length of a ship shall be determined by a method of calculation which takes into consideration the form, draught and other characteristics of the ship in question.

(2) In a ship with a continuous bulkhead deck, the floodable length at a given point is the maximum portion of the length of the ship, having its centre at the point in question, which can be flooded under the definite assumptions hereafter set forth in Regulation III without the ship being submerged beyond the margin line.

1st Sch. —*cont.*

(3) In the case of a ship not having a continuous bulkhead deck, the floodable length at any point may be determined to an assumed continuous margin line, up to which, having regard to sinkage and trim after damage, the sides of the ship and the bulkheads concerned are carried watertight.

Regulation III.

Permeability.

(1) The definite assumptions referred to in Regulation II relate to the permeabilities of the spaces below the margin line.

In determining the floodable length, a uniform average permeability shall be used throughout the whole length of each of the following portions of the ship below the margin line :—

(*a*) the machinery space as defined in Regulation I (8);

(*b*) the portion forward of the machinery space; and

(*c*) the portion abaft the machinery space.

(2)—(*a*) For steamships the uniform average permeability throughout the machinery space shall be determined from the formula—

$$80 + 12\cdot5\left(\frac{a - c}{v}\right), \text{ where}$$

a = volume of the passenger spaces, as defined in Regulation I (9), which are situated below the margin line within the limits of the machinery space.

c = volume of between deck spaces below the margin line within the limits of the machinery space which are appropriated to cargo, coal or stores.

v = whole volume of the machinery space below the margin line.

(*b*) For ships propelled by internal combustion engines, the uniform average permeability shall be taken as 5 greater than that given by the above formula.

(*c*) Where it is shown to the satisfaction of the Administration that the average permeability, as determined by detail calculation, is less than that given by the formula, the calculated value may be substituted. For the purposes of such calculation, the permeabilities of passenger spaces, as defined in Regulation I (9), shall be taken as 95, that of all cargo, coal and store spaces as 60, and that of double bottom, oil fuel and other tanks at such values as may be approved in each case by the Administration.

(3) The uniform average permeability throughout the portion of the ship before (or abaft) the machinery space shall be determined from the formula—

$$63 + 35\,\frac{a}{v},\ \text{where}$$

a = volume of the passenger spaces, as defined in Regulation I (9), which are situated below the margin line, before (or abaft) the machinery space, and

v = whole volume of the portion of the ship below the margin line before (or abaft) the machinery space.

(4) If a between deck compartment between two watertight transverse bulkheads contains any passenger or crew space, the whole of that compartment, less any space completely enclosed within permanent steel bulkheads and appropriated to other purposes, shall be regarded as passenger space. If, however, the passenger or crew space in question is completely enclosed within permanent steel bulkheads, only the space so enclosed need be considered as passenger space.

REGULATION IV.

Permissible Length of Compartments.

(1) *Factor of Subdivision.*—The maximum permissible length of a compartment having its centre at any point in the ship's length is obtained from the floodable length by multiplying the latter by an appropriate factor called the factor of subdivision.

The factor of subdivision shall depend on the length of the ship, and for a given length shall vary according to the nature of the service for which the ship is intended. It shall decrease in a regular and continuous manner—

(*a*) as the length of the ship increases, and

(*b*) from a factor A, applicable to ships primarily engaged in the carriage of cargo, to a factor B, applicable to ships primarily engaged in the carriage of passengers.

The variations of the factors A and B shall be expressed by the following formulæ (i) and (ii), where L is the length of the ship as defined in Regulation I (2) :—

L in feet.

$$A = \frac{190}{L - 198} + \cdot 18 \quad (L = 430 \text{ and upwards}).$$

L in metres.

$$A = \frac{58\cdot 2}{L - 60} + \cdot 18 \quad (L = 131 \text{ and upwards}). \quad \ldots\ldots\ldots\ldots (i)$$

1st Sch.
—*cont.*

L in feet.

$$B = \frac{100}{L - 138} + \cdot 18 \quad (L = 260 \text{ and upwards}).$$

L in metres.

$$B = \frac{30\cdot 3}{L - 42} + \cdot 18 \quad (L = 79 \text{ and upwards}). \quad \ldots\ldots\ldots\ldots\ldots\ldots\text{(ii)}$$

(2) *Criterion of Service.*—For a ship of given length the appropriate factor of subdivision shall be determined by the Criterion of Service Numeral (hereinafter called the Criterion Numeral) as given by the following formulæ (iii) and (iv), where :—

C_s = the Criterion Numeral;

L = length of the ship, as defined in Regulation I (2);

M = the volume of the machinery space, as defined in Regulation I (8); with the addition thereto of the volume of any permanent oil fuel bunkers which may be situated above the inner bottom and before or abaft the machinery space;

P = the whole volume of the passenger spaces below the margin line, as defined in Regulation I (9);

V = the whole volume of the ship below the margin line;

P_1 = KN, where :—

N = number of passengers for which the ship is to be certified, and

K has the following values :—

	Value of K.
Length in feet and volumes in cubic feet	·6 L.
Length in metres and volumes in cubic metres	·056 L.

Where the value of KN is greater than the sum of P and the whole volume of the actual passenger spaces above the margin line, the lower figure may be taken provided that the value of P_1 used is not less than $\frac{2}{3}$ KN.

When P_1 is greater than P

$$C_s = 72\,\frac{M + 2P_1}{V + P_1 - P} \quad \ldots\ldots\ldots\ldots\ldots\ldots\ldots\text{(iii)}$$

and in other cases

$$C_s = 72\,\frac{M + 2P}{V} \quad \ldots\ldots\ldots\ldots\ldots\ldots\ldots\text{(iv)}$$

For ships not having a continuous bulkhead deck the volumes are to be taken up to the actual margin lines used in determining the floodable lengths.

1st Sch. —*cont.*

(3) *Rules for Subdivision.*—(*a*) *The subdivision abaft the fore peak* of ships 430 feet (131 metres) in length and upwards having a criterion numeral of 23 or less shall be governed by the factor A given by formula (i); of those having a criterion numeral of 123 or more by the factor B given by formula (ii); and of those having a criterion numeral between 23 and 123 by the factor F obtained by linear interpolation between the factors A and B, using the formula :—

$$F = A - \frac{(A - B)(C_s - 23)}{100} \quad \text{..........................(v)}$$

Where the factor F is less than ·40 and it is shown to the satisfaction of the Administration to be impracticable to comply with the factor F in a machinery compartment of the ship, the subdivision of such compartment may be governed by an increased factor, which, however, shall not exceed ·40.

(*b*) *The subdivision abaft the fore peak* of ships less than 430 feet (131 metres) but not less than 260 feet (79 metres) in length having a criterion numeral equal to S, where

$$S = \frac{9382 - 20L}{34} \text{ (L in feet)} = \frac{3574 - 25L}{13} \text{ (L in metres)}$$

shall be governed by the factor unity; of those having a criterion numeral of 123 or more by the factor B given by the formula (ii); of those having a criterion numeral between S and 123 by the factor F obtained by linear interpolation between unity and the factor B, using the formula :—

$$F = 1 - \frac{(1 - B)(C_s - S)}{123 - S} \quad \text{..........................(vi)}$$

(*c*) *The subdivision abaft the fore peak* of ships less than 430 feet (131 metres) but not less than 260 feet (79 metres) in length and having a criterion numeral less than S, and of all ships less than 260 feet (79 metres) in length shall be governed by the factor unity, unless it is shown to the satisfaction of the Administration to be impracticable to comply with this factor in any part of the ship, in which case, the Administration may allow such relaxation as may appear to be justified, having regard to all the circumstances.

(*d*) The provisions of sub-paragraph (*c*) shall apply also to ships of whatever length, which are to be certified to carry a number of passengers exceeding 12 but not exceeding

$$\frac{L^2 \text{ (in feet)}}{7000} \left(\frac{L^2 \text{ (in metres)}}{650}\right) \text{ or 50, whichever is the less.}$$

1st Sch. —*cont.*

Regulation V.

Special Rules concerning Subdivision.

(1) A compartment may exceed the permissible length determined by the rules of Regulation IV provided the combined length of each pair of adjacent compartments to which the compartment in question is common does not exceed either the floodable length or twice the permissible length, whichever is the less.

If one of the two adjacent compartments is situated inside the machinery space, and the second is situated outside the machinery space, and the average permeability of the portion of the ship in which the second is situated differs from that of the machinery space, the combined length of the two compartments shall be adjusted to the mean average permeability of the two portions of the ship in which the compartments are situated.

Where the two adjacent compartments have different factors of subdivision, the combined length of the two compartments shall be determined proportionately.

(2) In ships 430 feet (131 metres) in length and upwards, one of the main transverse bulkheads abaft the fore peak shall be fitted at a distance from the forward perpendicular which is not greater than the permissible length.

(3) A main transverse bulkhead may be recessed provided that all parts of the recess lie inboard of vertical surfaces on both sides of the ship, situated at a distance from the shell plating equal to one-fifth the breadth of the ship, as defined in Regulation I (3), and measured at right angles to the centreline at the level of the deepest subdivision loadline.

Any part of a recess which lies outside these limits shall be dealt with as a step in accordance with the following paragraph.

(4) A main transverse bulkhead may be stepped provided that—

(*a*) the combined length of the two compartments, separated by the bulkhead in question, does not exceed 90 per cent. of the floodable length, or

(*b*) additional subdivision is provided in way of the step to maintain the same measure of safety as that secured by a plane bulkhead.

(5) Where a main transverse bulkhead is recessed or stepped, an equivalent plane bulkhead shall be used in determining the subdivision.

(6) If the distance between two adjacent main transverse bulkheads, or their equivalent plane bulkheads, or the distance between the transverse planes passing through the nearest stepped

portions of the bulkheads, is less than 10 feet (3·05 metres) plus 2 per cent. of the length of the ship, only one of these bulkheads shall be regarded as forming part of the subdivision of the ship in accordance with the provisions of Regulation IV.

1st Sch.—*cont.*

(7) Where a main transverse watertight compartment contains local subdivision and it can be shown to the satisfaction of the Administration that, after any assumed side damage extending over a length of 10 feet (3·05 metres) plus 2 per cent. of the length of the ship, the whole volume of the main compartment will not be flooded, a proportionate allowance may be made in the permissible length otherwise required for such compartment.

In such a case the volume of effective buoyancy assumed on the undamaged side shall not be greater than that assumed on the damaged side.

(8) Where it is proposed to fit watertight decks, inner skins or longitudinal bulkheads, watertight or non-watertight, the Administration shall be satisfied that the safety of the ship will not be diminished in any respect, particularly having in view the possible listing effect of flooding in way of such structural arrangements.

REGULATION VI.

Peak and Machinery Space Bulkheads, Shaft Tunnels, &c.

(1) Every ship shall have a forepeak or collision bulkhead, which shall be watertight up to the bulkhead deck. This bulkhead shall be fitted not less than 5 per cent. of the length of the ship, and not more than 10 feet (3·05 metres) plus 5 per cent. of the length of the ship from the forward perpendicular.

If the ship has a long forward superstructure, the forepeak bulkhead shall be extended weathertight to the deck next above the bulkhead deck. The extension need not be fitted directly over the bulkhead below, provided it is at least 5 per cent. of the length of the ship from the forward perpendicular, and the part of the bulkhead deck which forms the step is made effectively weathertight.

(2) An afterpeak bulkhead, and bulkheads dividing the machinery space, as defined in Regulation I (8), from the cargo and passenger spaces forward and aft, shall also be fitted and made watertight up to the bulkhead deck. The afterpeak bulkhead may, however, be stopped below the bulkhead deck, provided the degree of safety of the ship as regards subdivision is not thereby diminished.

(3) In all cases stern tubes shall be enclosed in watertight spaces. The stern gland shall be situated within a watertight shaft tunnel or other space of such volume that if flooded by

1ST SCH. —*cont.*

leakage through the stern gland the margin line will not be submerged.

REGULATION VII.

Assigning, Marking and Recording of Subdivision Loadlines.

(1) The subdivision loadlines assigned and marked under the provisions of Article 5 of the Convention shall be recorded in the Safety Certificate, and shall be distinguished by the notation C.1 for the principal passenger condition, and C.2, C.3, &c., for the alternative conditions.

(2) The freeboard corresponding to each of these loadlines inserted in the Safety Certificate shall be measured at the same position and from the same deck line as the freeboards determined by recognised National Freeboard Regulations.

(3) In no case shall any subdivision loadline mark be placed above the deepest loadline in salt water as determined by the strength of the ship and/or recognised National Freeboard Regulations.

(4) Whatever may be the position of the subdivision loadline marks, a ship shall in no case be loaded so as to submerge the loadline mark appropriate to the season and locality as determined by the recognised National Freeboard Regulations.

REGULATION VIII.

Construction and Initial Testing of Watertight Bulkheads, &c.

(1) Watertight subdivision bulkheads, whether transverse or longitudinal, shall be constructed in such a manner that they shall be capable of supporting with a proper margin of resistance, the pressure due to a head of water up to the margin line in way of each bulkhead. The construction of these bulkheads shall be to the satisfaction of the Administration.

(2) Steps and recesses in bulkheads shall be watertight and as strong as the bulkhead at the place where each occurs.

Where frames or beams pass through a watertight deck or bulkhead, such deck or bulkhead shall be made structurally watertight without the use of wood or cement.

(3) Testing main compartments by filling them with water is not compulsory. A complete examination of the bulkheads shall be made by a surveyor; and, in addition, a hose test shall be made in all cases.

(4) The fore peak shall be tested with water to a head up to the deepest subdivision loadline.

(5) Double bottoms, including duct keels, and inner skins are to be subjected to a head of water up to the margin line.

1st Sch. —*cont.*

(6) Tanks which are intended to hold liquids, and which form part of the subdivision of the ship, shall be tested for tightness with water to a head up to the deepest subdivision loadline or to a head corresponding to two-thirds of the depth from the top of keel to the margin line in way of the tanks, whichever is the greater; provided that in no case shall the test head be less than 3 feet (·92 metre) above the top of the tank.

REGULATION IX.

Openings in Watertight Bulkheads.

(1) The number of openings in watertight bulkheads shall be reduced to the minimum compatible with the design and proper working of the ship; satisfactory means shall be provided for closing these openings.

(2)—(*a*) Where pipes, scuppers, electric-light cables, &c., are carried through watertight subdivision bulkheads, arrangements shall be made to ensure the integrity of the watertightness of the bulkheads.

(*b*) Sluice valves shall not be permitted in the watertight subdivision bulkheads.

(3)—(*a*) No doors, manholes, or access openings are permitted—

(i) in the collision bulkhead below the margin line;

(ii) in watertight transverse bulkheads dividing a cargo space from an adjoining cargo space or from a permanent or reserve bunker, except as provided in paragraph (7).

(*b*) The collision bulkhead may be pierced below the margin line by not more than one pipe for dealing with fluid in the fore peak tank, provided that the pipe is fitted with a screwdown valve capable of being operated from above the bulkhead deck, the valve chest being secured inside the fore peak to the collision bulkhead.

(4)—(*a*) Watertight doors fitted in bulkheads between permanent and reserve bunkers, shall be always accessible, except as provided in sub-paragraph 9 (*b*) for between deck bunker doors.

(*b*) Satisfactory arrangements shall be made, by means of screens or otherwise, to prevent the coal from interfering with the closing of watertight bunker doors.

(5) Within the machinery space and apart from bunker and shaft tunnel doors, not more than one door may be fitted in each main transverse bulkhead for intercommunication. These doors shall be located so as to have the sills as high as practicable.

1st Sch. —*cont.*

(6)—(*a*) The only types of watertight doors permissible are hinged doors, sliding doors, and doors of other equivalent patterns, excluding plate doors secured only by bolts.

(*b*) A hinged door shall be fitted with catches workable from each side of the bulkhead.

(*c*) A sliding door may have a horizontal or vertical motion. If required to be hand operated only, the gearing shall be capable of being worked at the door itself and also at an accessible position above the bulkhead deck.

(*d*) If a door is required to be closed by dropping or by the action of a dropping weight, it shall be fitted with a suitable arrangement to regulate the closing movement, and the gearing shall be so arranged that the door can be released both at the door itself and at an accessible position above the bulkhead deck. Hand gear shall also be provided, so arranged as to operate at the door itself and above the bulkhead deck, and also, so that after being disengaged for dropping, it can be quickly re-engaged from either the upper or the lower position.

(*e*) If a door is required to be power operated from a central control, the gearing shall be so arranged that the door can be operated by power also at the door itself. The arrangement shall be such that the door will close automatically if opened by the local control after being closed from the central control, and also such that any door can be kept closed by local arrangements, which will prevent that door from being opened from the central control. Such power operated doors shall be provided with hand gear, workable both at the door itself and from an accessible position above the bulkhead deck.

(*f*) In all classes of doors indicators shall be fitted at all operating stations other than at the door itself, showing whether the door is opened or closed.

(7)—(*a*) Hinged watertight doors in passenger, crew, and working spaces are only permitted above a deck, the underside of which, at its lowest point at side, is at least 7 feet (2·13 metres) above the deepest subdivision loadline, and they are not permitted in those spaces below such deck.

(*b*) Hinged watertight doors of satisfactory construction may be fitted in bulkheads dividing cargo between decks spaces, in levels in which side cargo doors would be permitted under the provisions of Regulation X (11). These doors shall be closed before the voyage commences and shall be kept closed during the voyage, and the time of opening such doors in port and of closing them before the ship leaves port shall be entered in the official log book. Where it is proposed to fit such doors, the number and arrangements shall receive the special consideration of the Administration, and a statement shall be required from the owners certifying as to the absolute necessity of such doors.

(8) All other watertight doors shall be sliding doors.

1st Sch.—cont.

(9)—(*a*) When any watertight doors which may be sometimes opened at sea, excluding those at the entrances of tunnels, are fitted in the main transverse watertight bulkheads at such a height that their sills are below the deepest subdivision loadline, the following rules shall apply:—

(I) When the number of such doors exceeds five all the watertight sliding doors shall be power operated and shall be capable of being simultaneously closed from a station situated on the bridge, simultaneous closing of these doors being preceded by a warning sound signal.

(II) When the number of such doors does not exceed five—

(i) if the criterion numeral does not exceed 30, all the watertight sliding doors may be operated by hand only;

(ii) if the criterion numeral exceeds 30, but does not exceed 60, all the watertight sliding doors may be either dropping doors fitted with releasing and hand gear operated at the door and from above the bulkhead deck or doors operated by power;

(iii) if the criterion numeral exceeds 60, all the watertight sliding doors shall be operated by power.

(*b*) If watertight doors which have sometimes to be open at sea for the purpose of trimming coal are fitted between bunkers in the between-decks below the bulkhead deck, these doors shall be operated by power. The opening and closing of these doors shall be recorded in the official log book.

(*c*) When trunkways in connection with refrigerated cargo are carried through more than one main transverse watertight bulkhead, and the sills of the openings are less than 7 feet (2·13 metres) above the deepest subdivision loadline, the watertight doors at such openings shall be operated by power.

(10) Portable plates on bulkheads shall not be permitted except in machinery spaces. Such plates shall always be in place before the ship leaves port, and shall not be removed at sea except in case of urgent necessity. The necessary precautions shall be taken in replacing them to ensure that the joints shall be watertight.

(11) All watertight doors shall be kept closed during navigation except when necessarily opened for the working of the ship, and shall always be ready to be immediately closed.

(12) Where trunkways or tunnels for access from crew's accommodation to the stokehold, for piping, or for any other purpose are carried through main transverse watertight bulkheads, they shall be watertight and in accordance with the

1st Sch. —*cont.*

requirements of Regulation XII. The access to at least one end of each such tunnel or trunkway, if used as a passage at sea, shall be through a trunk extending watertight to a height sufficient to permit access above the margin line. The access to the other end of the trunkway or tunnel may be through a watertight door of the type required by its location in the ship. Such trunkways or tunnels shall not extend through the first subdivision bulkhead abaft the collision bulkhead.

Where it is proposed to fit tunnels or trunkways for forced draft, piercing main transverse watertight bulkheads, these shall receive the special consideration of the Administration.

Regulation X.

Openings in Ship's Sides below the Margin Line.

(1) The arrangement and efficiency of the means for closing any opening in the ship's sides shall be consistent with its intended purpose and the position in which it is fitted and generally to the satisfaction of the Administration.

(2)—(*a*) If in a between decks, the sills of any sidescuttles are below a line drawn parallel to the bulkhead deck at side and having its lowest point 2½ per cent. of the breadth of the ship above the deepest subdivision loadline, all sidescuttles in that between deck shall be of a non-opening type.

(*b*) If in a between decks, the sills of any sidescuttles other than those required to be of a non-opening type by sub-paragraph (*a*) are below a line drawn parallel to the bulkhead deck at side and having its lowest point at a height of 12 feet (3·66 metres) plus 2½ per cent. of the breadth of the ship above the deepest subdivision loadline, all sidescuttles in that between decks shall be of such construction as will effectively prevent any person opening them without the consent of the master of the ship.

(*c*) Other sidescuttles may be of any ordinary opening type.

(*d*) If in a between decks, the sills of any of the sidescuttles referred to in sub-paragraph (*b*) are below a line drawn parallel to the bulkhead deck at side and having its lowest point 4½ feet (1·37 metres), plus 2½ per cent. of the breadth of the ship above the loadline at which the ship is floating on her departure from any port, all the sidescuttles in that between decks shall be closed watertight and locked before the ship leaves port and they shall not be opened during navigation.

The time of opening such sidescuttles in port and of closing and locking them before the ship leaves port shall be entered in the official log book.

The Administration may indicate the limiting mean draught at which these sidescuttles will have their sills above the line defined in this paragraph and at which it will be permissible to open them at sea on the responsibility of the master. In tropical waters in fair weather this limiting draught may be increased by 1 foot (·305 metres).

(3) Efficient hinged inside deadlights arranged so that they can be easily and effectively closed and secured watertight shall be fitted to all sidescuttles—

(*a*) which are required to be of a non-opening type;

(*b*) which are to be fitted within one-eighth of the ship's length of the forward perpendicular;

(*c*) which are to be fitted in positions defined in sub-paragraph (2) (*b*);

(*d*) which will not be accessible during navigation;

(*e*) which are to be fitted in spaces intended for the accommodation of sailors and firemen;

(*f*) which are to be fitted in spaces intended for the accommodation of steerage passengers.

(4) Sidescuttles fitted below the bulkhead deck, other than those referred to in the preceding paragraph, shall be fitted with efficient inside deadlights which may be portable and stowed adjacent to the sidescuttles.

(5) Sidescuttles and their deadlights, which will not be accessible during navigation, shall be closed and secured before the ship proceeds to sea.

(6) No sidescuttles shall be fitted in any spaces which are appropriated exclusively to the carriage of cargo or coal.

(7) Automatic ventilating sidescuttles shall not be fitted in the ship's sides below the margin line without the special sanction of the Administration.

(8) All machinery and other inlets and discharges in the ship's sides shall be arranged so as to prevent the accidental admission of water into the ship.

(9) The number of scuppers, sanitary discharges and other similar openings in the ship's sides shall be reduced to the minimum either by making each discharge serve for as many as possible of the sanitary and other pipes, or in any other satisfactory manner.

(10) Discharges led through the ship's sides from spaces below the margin line shall be fitted with efficient and accessible means for preventing water from passing inboard. It is permissible to have for each separate discharge either one automatic non-return valve fitted with a positive means of closing it from above the bulkhead deck, or alternatively, two automatic non-return valves without such means, the upper of which valves is so situated above the deepest subdivision loadline as to be always accessible for examination under service conditions.

1st Sch. —*cont.*

Where a positive action valve is fitted, the operating position above the bulkhead deck shall always be readily accessible and means shall be provided for indicating whether the valve is open or closed.

(11) Gangway, cargo and coaling ports fitted below the margin line shall be of sufficient strength. They shall be effectively closed and secured watertight before the ship leaves port, and shall be kept closed during navigation.

Cargo and coaling ports which are to be fitted partly or entirely below the deepest subdivision loadline shall receive the special consideration of the Administration.

(12) The inboard opening of each ash-shoot, rubbish-shoot, &c., shall be fitted with an efficient cover.

If the inboard opening is situated below the margin line, the cover shall be watertight, and in addition an automatic non-return valve shall be fitted in the shoot in an easily accessible position above the deepest subdivision loadline. When the shoot is not in use both the cover and the valve shall be kept closed and secured.

Regulation XI.

Construction and Initial Tests of Watertight Doors, Sidescuttles, &c.

(1) The design, materials and construction of all watertight doors, sidescuttles, gangway, cargo and coaling ports, valves, pipes, ash-shoots and rubbish-shoots referred to in these Regulations shall be to the satisfaction of the Administration.

(2) Each watertight door shall be tested by water pressure to a head up to the margin line. The test shall be made before the ship is put in service, either before or after the door is fitted.

Regulation XII.

Construction and Initial Tests of Watertight Decks, Trunks, &c.

(1) Watertight decks, trunks, tunnels, duct keels and ventilators shall be of the same strength as watertight bulkheads at corresponding levels. The means used for making them watertight, and the arrangements adopted for closing openings in them, shall be to the satisfaction of the Administration. Watertight ventilators and trunks shall be carried at least up to the margin line.

(2) After completion a hose or flooding test shall be applied to watertight decks and a hose test to watertight trunks, tunnels and ventilators.

Regulation XIII.

Periodical Operation and Inspection of Watertight Doors, &c.

In all new and existing ships drills for the operating of watertight doors, sidescuttles, valves, and closing mechanisms of scuppers, ash-shoots and rubbish-shoots, shall take place weekly. In ships in which the voyage exceeds one week in duration a complete drill shall be held before leaving port, and others thereafter at least once a week during the voyage, provided that all watertight power doors and hinged doors, in main transverse bulkheads, in use at sea shall be operated daily.

The watertight doors and all mechanisms and indicators connected therewith, and all valves the closing of which is necessary to make a compartment watertight, shall be periodically inspected at sea, at least once a week.

Regulation XIV.

Entries in the Official Log Book.

In all new and existing ships hinged doors, portable plates, sidescuttles, gangway, cargo and coaling ports and other openings, which are required by these Regulations to be kept closed during navigation, shall be closed before the ship leaves port. The time of closing, and the time of opening (if permissible under these Regulations), shall be recorded in the official log book.

A record of all drills and inspections required by Regulation XIII shall be entered in the official log book with an explicit record of any defects which may be disclosed.

Regulation XV.

Double Bottoms.

(1) In ships 200 feet (61 metres) and under 249 feet (76 metres) in length a double bottom shall be fitted at least from the machinery space to the fore peak bulkhead, or as near thereto as practicable.

(2) In ships 249 feet (76 metres) and under 330 feet (100 metres) in length a double bottom shall be fitted at least outside the machinery space, and shall extend to the fore and after peak bulkheads, or as near thereto as practicable.

(3) In ships 330 feet (100 metres) in length and upwards a double bottom shall be fitted amidships, and shall extend to the fore and after peak bulkheads, or as near thereto as practicable.

(4) Where a double bottom is required to be fitted the inner bottom shall be continued out to the ship's sides in such a manner as to protect the bottom to the turn of bilge.

Such protection will be deemed satisfactory if the line of intersection of the outer edge of the margin plate with the

1ST SCH. —*cont.*

bilge plating is not lower at any part than a horizontal plane passing through the point of intersection with the frame line amidships of a transverse diagonal line inclined at 25 degrees to the base line and cutting it at a point one-half the ship's moulded breadth from the middle line.

(5) Wells constructed in the double bottom in connection with the drainage arrangements shall not extend downwards more than necessary, nor shall they be less than 18 inches (457 millimetres) from the outer bottom or from the inner edge of the margin plate. A well extending to the outer bottom is, however, permitted at the after end of the shaft tunnel of screw ships.

REGULATION XVI.

Fire-resisting Bulkheads.

Ships shall be fitted above the bulkhead deck with fire-resisting bulkheads which shall be continuous from side to side of the ship and arranged to the satisfaction of the Administration.

They shall be constructed of metal or other fire-resisting material, effective to prevent for one hour, under the conditions for which the bulkheads are to be fitted in the ship, the spread of fire generating a temperature of 1,500° F. (815° C.) at the bulkhead.

Steps and recesses and the means for closing all openings in these bulkheads shall be fire-resisting and flametight.

The mean distance between any two adjacent fire-resisting bulkheads in any superstructure shall in general not exceed 131 feet (40 metres).

REGULATION XVII.

Side and other Openings, &c., above the Margin Line.

(1) Sidescuttles, gangway, cargo and coaling ports, and other means for closing openings in the ship's sides above the margin line shall be of efficient design and construction and of sufficient strength having regard to the spaces in which they are fitted and their positions relative to the deepest subdivision loadline.

(2) The bulkhead deck or a deck above it shall be weathertight in the sense that in ordinary sea conditions water will not penetrate in a downward direction. All openings in the exposed weather deck shall have coamings of ample height and strength, and shall be provided with efficient means for expeditiously closing them weathertight.

(3) Freeing ports and/or scuppers shall be fitted as necessary for rapidly clearing the weather deck of water under all weather conditions.

1st Sch.
—*cont.*

Regulation XVIII.

Exits from Watertight Compartments.

(1) In passenger and crew spaces, practicable means of exit to the open deck shall be provided for the occupants from each watertight compartment.

(2) Practicable means of escape for the crew shall be provided from each engine room, shaft tunnel, stokehold compartment, and other working spaces, independent of watertight doors.

Regulation XIX.

Pumping Arrangements.

Steamships.

(1) Ships shall be provided with an efficient pumping plant capable of pumping from and draining any watertight compartment under all practicable conditions after a casualty whether the ship is upright or listed. For this purpose wing suctions will generally be necessary except in narrow compartments at the ends of the ship. Where close ceiling is fitted over the bilges, arrangements shall be made whereby water in the compartment may find its way to the suction pipes. Efficient means shall be provided for draining water from insulated holds.

(2) In addition to the ordinary bilge pump, worked by the main engines, or its equivalent engine room pump, two independent power bilge pumps shall be provided, except that in ships less than 300 feet (91·5 metres) in length, having a criterion numeral less than 30, either two efficient hand pumps of the crank type fitted one forward and one aft, or a portable power pump, may be substituted for one of the additional independent power bilge pumps.

Sanitary, ballast and general service pumps may be accepted as independent power bilge pumps if fitted with the necessary connections to the bilge pumping system.

(3) Where two or more independent power pumps are required, the arrangement shall be such that at least one power pump will be available for use in all ordinary circumstances in which a vessel may be flooded at sea. One of the power pumps shall, therefore, be an emergency pump of a reliable submersible type. A source of power situated above the bulkhead deck shall be available for this pump in any case of emergency.

(4) Where practicable, the power bilge pumps shall be placed in separate watertight compartments so arranged or situated that these compartments will not readily be flooded by the same damage. If the engines and boilers are in two or more watertight compartments, the pumps available for bilge service shall be distributed through these compartments as far as is possible.

1st Sch. —*cont.*

(5) With the exception of pumps which may be provided for peak compartments only, each bilge pump, whether operated by hand or by power, shall be arranged to draw water from any hold or machinery compartment in the ship.

(6) Each independent power bilge pump shall be capable of giving a speed of water through the main bilge pipe of not less than 400 feet (122 metres) per minute, and it shall have a separate direct suction, to the compartment in which it is situated of a diameter not less than that of the bilge main. The direct suctions from each independent power bilge pump shall be arranged to pump from either side of the ship.

(7) Main circulating pumps shall have direct suction connections, provided with non-return valves, to the lowest drainage level in the machinery space, and of a diameter at least two-thirds that of the main sea inlet. Where the fuel is, or may be, coal, and there is no watertight bulkhead between the engines and boilers, a direct discharge overboard shall be fitted from at least one circulating pump, or, alternatively, a bye-pass may be fitted to the circulating discharge.

(8) (*a*) All pipes from the pumps which are required for draining, cargo or machinery spaces shall be entirely distinct from pipes which may be used for filling or emptying spaces where water or oil is carried.

(*b*) Lead pipes shall not be used under coal bunkers or oil fuel storage tanks, nor in boiler or machinery spaces, including motor rooms in which oil settling tanks or oil fuel pump units are situated.

(9) The Administration shall make rules relating to the diameters of the bilge main and branch pipes which shall be proportioned respectively in relation to the size of the ship and the sizes of the compartments to be drained.

(10) The arrangement of the bilge and ballast pumping system shall be such as to prevent the possibility of water passing from the sea and from water ballast spaces into the cargo and machinery spaces, or from one compartment to another. Special provision shall be made to prevent any deep tank having bilge and ballast connections being inadvertently run up from the sea when containing cargo, or pumped out through a bilge pipe when containing water ballast.

(11) Provision shall be made to prevent the compartment served by any bilge suction pipe being flooded, in the event of the pipe being severed or otherwise damaged, by collision or grounding, in any other compartment. For this purpose, where the pipe is at any part situated near the side of the ship or in a duct keel, there shall be fitted to the pipe in the compartment containing the open end either a non-return valve, or a screw-down valve which can be operated from a position above the bulkhead deck.

(12) All distribution boxes, cocks, and valves in connection with the bilge pumping arrangement shall be in positions which are accessible at all times under ordinary circumstances. They shall be so arranged that in the event of flooding the emergency bilge pump may be operative on any compartment. If there is only one system of pipes common to all the pumps, the necessary cocks or valves for controlling the bilge suctions must be workable from above the bulkhead deck. If in addition to the main bilge pumping system an emergency bilge pumping system is provided, it shall be independent of the main system and so arranged that the emergency pump is capable of operating on any compartment under flooding conditions.

Motor Ships.

(13) The bilge pumping arrangements in motor ships shall, so far as practicable, be equivalent to those required for steamships of similar size, except as regards main circulating pumps.

Regulation XX.

Power for Going Astern.

Ships shall have sufficient power for going astern to secure proper control of the ship in all circumstances.

Regulation XXI.

Auxiliary Steering Apparatus.

Ships shall be provided with an auxiliary steering apparatus which, however, may be of less power than the main apparatus, and need not be worked by steam or other mechanical power, provided adequate arrangements for manual operation are practicable. A duplicate main steering power plant shall be considered as an auxiliary steering apparatus within the meaning of this Regulation.

Regulation XXII.

Initial and Subsequent Surveys of Ships.

(1) Every new or existing ship shall be subjected to the surveys specified below :—

(*a*) A survey before the ship is put in service.

(*b*) A periodical survey once every twelve months.

(*c*) Additional surveys, as occasion arises.

1st Sch. —*cont.*

(2) The surveys referred to above shall be carried out as follows:—

(*a*) *The survey before the ship is put in service* shall include a complete inspection of the hull, machinery and equipments, including the outside of the ship's bottom and the inside and outside of the boilers. This survey shall be such as to ensure that the arrangements, material, and scantlings of the hull, boilers, and their appurtenances, main and auxiliary machinery, life-saving appliances, and other equipments, fully comply with the requirements of the present Convention and of the detailed regulations promulgated as a result thereof by the Government of the country to which the ship belongs for ships of the service for which it is intended. The survey shall also be such as to ensure that the workmanship of all parts of the ship and its equipments is in all respects satisfactory.

(*b*) *The periodical survey* shall include an inspection of the whole of the hull, boilers, machinery, and equipments, including the outside of the ship's bottom. The survey shall be such as to ensure that the ship, as regards the hull, boilers, and their appurtenances, main and auxiliary machinery, life-saving appliances, and other equipments, is in satisfactory condition and fit for the service for which it is intended, and that it complies with the requirements of the present Convention, and of the detailed regulations promulgated as a result thereof by the Government of the country to which the ship belongs.

(*c*) *A survey either general or partial*, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipments, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the ship complies in all respects with the provisions of the present Convention and of the detailed regulations promulgated as a result thereof by the Government of the country to which the ship belongs.

(3) The detailed regulations referred to in sub-paragraph (2) shall prescribe the requirements to be observed as to the initial and subsequent hydraulic tests to which the main and auxiliary boilers, connections, steam-pipes, high-pressure receivers, and

fuel tanks for oil motors are to be submitted, including the test pressure to be applied, and the intervals between two consecutive tests.

1st Sch. —*cont.*

Main and auxiliary boilers, connections, tanks and receivers, also steam-piping of more than 3 inches (76 millimetres) internal diameter shall be satisfactorily tested by hydraulic pressure when new. Steam pipes of more than 3 inches (76 millimetres) internal diameter shall be tested by hydraulic pressure periodically.

REGULATION XXIII.

Maintenance of Conditions after Survey.

After the survey of the ship as provided in Regulation XXII has been completed no change shall be made in the structural arrangements, machinery, equipments, &c., covered by the survey, without the sanction of the Administration.

LIFE-SAVING APPLIANCES, &C.

REGULATION XXIV.

Standard Types of Boats.

The standard types of boats are classified as follows:—

Class I.—Open boats with rigid sides having either (*a*) internal buoyancy only, or (*b*) internal and external buoyancy.

Class II.—(*a*) Open boats with internal and external buoyancy—upper parts of sides collapsible, and (*b*) decked boats with either fixed or collapsible watertight bulwarks.

No boat may be approved the buoyancy of which depends upon the previous adjustment of one of the principal parts of the hull, or which has not a cubic capacity of at least 3·5 cubic metres (equivalent to 125 cubic feet).

No boat may be approved the weight of which when fully laden with persons and equipment exceeds 20,300 kilogrammes (equivalent to 20 tons).

REGULATION XXV.

Lifeboats of Class I.

Lifeboats of Class I must have a mean sheer at least equal to four per cent. of their length.

The air-cases of lifeboats of Class I shall be so placed as to secure stability when fully laden under adverse weather conditions.

1st Sch. —*cont.*

In boats certified to carry 100 or more persons the volume of the buoyancy shall be increased to the satisfaction of the Administration.

Lifeboats of Class I must also satisfy the following conditions:—

(a) *Lifeboats with Internal Buoyancy only.*

The buoyancy of a wooden boat of this type shall be provided by watertight air-cases, the total volume of which shall be at least equal to one-tenth of the cubic capacity of the boat.

The buoyancy of a metal boat of this type shall not be less than that required above for a wooden boat of the same cubic capacity, the volume of watertight air-cases being increased accordingly.

(b) *Lifeboats with Internal and External Buoyancy.*

The internal buoyancy of a wooden boat of this type shall be provided by watertight air-cases, the total volume of which is at least equal to seven and a half per cent. of the cubic capacity of the boat.

The external buoyancy may be of cork or of any other equally efficient material, but such buoyancy shall not be obtained by the use of rushes, cork shavings, loose granulated cork or any other loose granulated substance, or by any means dependent upon inflation by air.

If the buoyancy is of cork, its volume, for a wooden boat, shall not be less than thirty-three thousandths of the cubic capacity of the boat; if of any material other than cork, its volume and distribution shall be such that the buoyancy and stability of the boat are not less than that of a similar boat provided with buoyancy of cork.

The buoyancy of a metal boat shall be not less than that required above for a wooden boat of the same cubic capacity, the volume of the watertight air-cases and that of the external buoyancy being increased accordingly.

REGULATION XXVI.

Boats of Class II.

Boats of Class II must satisfy the following conditions:—

(*a*) *Open Boats with Internal and External Buoyancy—Upper Part of Sides collapsible.*

A boat of this type shall be fitted both with watertight air-cases and with external buoyancy the aggregate volume of

1st Sch. —*cont.*

which, for each person which the boat is able to accommodate, shall be at least equal to the following amounts :—

	Cubic Decimetres.	Cubic Feet.
Air-cases - - - - - -	43	1·5
External buoyancy (if of cork) -	6	0·2

The external buoyancy may be of cork or of any other equally efficient material, but such buoyancy shall not be obtained by the use of rushes, cork shavings, loose granulated cork, or any other loose granulated substance, or by any means dependent upon inflation by air.

If of any material other than cork, its volume and distribution shall be such that the buoyancy and stability of the boat are not less than that of a similar boat provided with buoyancy of cork

A metal boat of this type shall be provided with internal and external buoyancy to ensure that the buoyancy of the boat shall be at least equal to that of a wooden boat.

The minimum freeboard of boats of this type shall be fixed in relation to their length; and it shall be measured vertically to the top of the solid hull at the side amidships, from the water-level, when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts :—

Length of Lifeboat.		Minimum Freeboard.	
Metres.	Equivalent in Feet to—	Millimetres.	Equivalent in Inches to—
7·90	26	200	8
8·50	28	225	9
9·15	30	250	10

The freeboard of boats of intermediate lengths is to be found by interpolation.

The collapsible sides must be watertight.

(b) *Decked Boats with either Fixed or Collapsible Watertight Bulwarks.*

(i) *Decked Boats having a Well Deck.*—The area of the well deck of a boat of this type shall be at least 30 per cent. of the total deck area. The height of the well deck above the waterline at all points shall be at least equal to one-half per cent. of the length of the boat, this height being increased to one-and-a-half per cent. of the length of the boat at the ends of the well.

The freeboard of a boat of this type shall be such as to provide for a reserve buoyancy of at least 35 per cent.

1ST SCH.
—*cont.*

(ii) *Decked Boats having a Flush Deck.*—The minimum freeboard of boats of this type is independent of their lengths and depends only upon their depths. The depth of the boat is to be measured vertically from the underside of the garboard strake to the top of the deck at the side amidships and the freeboard is to be measured from the top of the deck at the side amidships to the water-level when the boat is loaded.

The freeboard in fresh water shall not be less than the following amounts, which are applicable without correction to boats having a mean sheer equal to three per cent. of their length :—

Depth of Lifeboat.		Minimum Freeboard.	
Millimetres.	Equivalent in Inches to—	Millimetres.	Equivalent in Inches to—
310	12	70	2¾
460	18	95	3¾
610	24	130	5⅛
760	30	165	6½

For intermediate depths the freeboard is obtained by interpolation.

If the sheer is less than the standard sheer defined above, the minimum freeboard is obtained by adding to the figures in the table one-seventh of the difference between the standard sheer and the actual mean sheer measured at the stem and stern post; no deduction is to be made from the freeboard on account of the sheer being greater than the standard sheer or on account of the camber of the deck.

(iii) All decked lifeboats shall be fitted with efficient means for clearing the deck of water.

REGULATION XXVII.

Motor Boats.

A motor boat carried as part of the life-saving appliances of a vessel, whether required by Regulation XXXVI (2) or not, shall comply with the following conditions :—

(*a*) It shall comply with the requirements for a lifeboat of Class I, and proper appliances shall be provided for putting it into the water speedily.

(*b*) It shall be adequately provided with fuel, and kept so as to be at all times ready for use.

(*c*) The motor and its accessories shall be suitably enclosed to ensure operation under adverse weather conditions, and provision shall be made for going astern.

(*d*) The speed shall be at least six knots when fully loaded in smooth water.

1st Sch.—*cont.*

The volume of the internal buoyancy and, where fitted, the external buoyancy shall be increased in sufficient proportion to compensate for the difference between the weight of the motor, the searchlight, and the wireless telegraph installation and their accessories, and the weight of the additional persons which the boat could accommodate if the motor, the searchlight and the wireless telegraph installation and their accessories were removed.

Regulation XXVIII.

Life Rafts.

No type of life raft may be approved unless it satisfies the following conditions:—

(*a*) It shall be of approved material and construction;

(*b*) It shall be effective and stable when floating either way up;

(*c*) It shall be fitted with fixed or collapsible bulwarks of wood, canvas or other suitable material on both sides;

(*d*) It shall have a line securely becketed round the outside;

(*e*) It shall be of such strength that it can be launched or thrown from the vessel's deck without being damaged, and if to be thrown it shall be of such size and weight that it can be easily handled;

(*f*) It shall have not less than 85 cubic decimetres (equivalent to three cubic feet) of air-cases or equivalent buoyancy for each person to be carried thereon;

(*g*) It shall have a deck area of not less than 3,720 square centimetres (equivalent to four square feet) for each person to be carried thereon, and it shall effectively support the occupants out of the water;

(*h*) The air-cases or equivalent buoyancy shall be placed as near as possible to the sides of the life raft, and such buoyancy shall not be by any means dependent on inflation by air.

Regulation XXIX.

Buoyant Apparatus.

Buoyant apparatus, whether buoyant deck seats, buoyant deck chairs or other buoyant apparatus, shall be deemed sufficient, so far as buoyancy is concerned, for a person or number of persons to be ascertained by dividing the number of kilogrammes of iron which it is capable of supporting in fresh water by 14·5 (equivalent to the number of pounds divided by 32), and if the apparatus depends for its buoyancy on air it shall not require to be inflated before use in an emergency.

1st Sch. —*cont.*

The number of persons for whom the apparatus is deemed suitable shall be determined by the least of the numbers ascertained either as above or by the number of 30·5 centimetres (equivalent to one foot) in the perimeter.

Such approved buoyant apparatus shall comply with the following conditions :—

1. It shall be constructed with proper workmanship and materials.
2. It shall be effective and stable when floating either way up.
3. It shall be of such size, strength and weight that it can be handled without mechanical appliances and, if necessary, thrown without damage from the vessel's deck on which it is stowed.
4. The air-cases or equivalent buoyancy shall be placed as near as possible to the sides of the apparatus.
5. It shall have a line securely becketed round the outside of the apparatus.

REGULATION XXX.

Cubic Capacity of Lifeboats of Class 1.

1. The cubic capacity of a lifeboat of Class I shall be determined by Stirling's (Simpson's) Rule or by any other method giving the same degree of accuracy. The capacity of a square-sterned boat shall be calculated as if the boat had a pointed stern.

2. For example, the capacity in cubic metres (or cubic feet) of a boat, calculated by the aid of Stirling's Rule, may be considered as given by the following formula :—

$$\text{Capacity} = \frac{l}{12}(4A + 2B + 4C)$$

l being the length of the boat in metres (or feet) from the inside of the planking or plating at the stem to the corresponding point at the stern post; in the case of a boat with a square stern, the length is measured to the inside of the transom.

A, B, C denote respectively the areas of the cross-sections at the quarter length forward, amidships, and the quarter length aft, which correspond to the three points obtained by dividing l into four equal parts (the areas corresponding to the two ends of the boat are considered negligible).

1st Sch.—*cont.*

The areas A, B, C shall be deemed to be given in square metres (or square feet) by the successive application of the following formula to each of the three cross-sections :—

$$\text{Area} = \frac{h}{12}(a + 4b + 2c + 4d + e)$$

h being the depth measured in metres (or in feet) inside the planking or plating from the keel to the level of the gunwale, or, in certain cases, to a lower level, as determined hereafter.

a, b, c, d, e, denote the horizontal breadths of the boat measured in metres (or in feet) at the upper and lower points of the depth and at the three points obtained by dividing *h* into four equal parts (a and e being the breadths at the extreme points, and c at the middle point, of *h*).

3. If the sheer of the gunwale, measured at the two points situated at a quarter of the length of the boat from the ends, exceeds 1 per cent. of the length of the boat, the depth employed in calculating the area of the cross-sections A or C shall be deemed to be the depth amidships plus 1 per cent. of the length of the boat.

4. If the depth of the boat amidships exceeds 45 per cent. of the breadth, the depth employed in calculating the area of the midship cross-section B shall be deemed to be equal to 45 per cent. of the breadth, and the depth employed in calculating the areas of the quarter length sections A and C is obtained by increasing this last figure by an amount equal to 1 per cent. of the length of the boat, provided that in no case shall the depths employed in the calculation exceed the actual depths at these points.

5. If the depth of the boat is greater than 122 centimetres (equivalent to 4 feet) the number of persons given by the application of this rule shall be reduced in proportion to the ratio of 122 centimetres to the actual depth, until the boat has been satisfactorily tested afloat with that number of persons on board, all wearing life-jackets.

6. Each Administration shall impose, by suitable formulæ, a limit for the number of persons allowed in boats with very fine ends and in boats very full in form.

7. Each Administration reserves the right to assign to a boat a capacity equal to the product of the length, the breadth and the depth multiplied by 0·6 if it is evident that this formula does not give a greater capacity than that obtained by the above method. The dimensions shall then be measured in the following manner :—

Length.—From the intersection of the outside of the planking with the stem to the corresponding point at the stern post or, in the case of a square sterned boat, to the after side of the transom.

1ST SCH. —*cont.*

Breadth.—From the outside of the planking at the point where the breadth of the boat is greatest.

Depth.—Amidships inside the planking from the keel to the level of the gunwale, but the depth used in calculating the cubic capacity may not in any case exceed 45 per cent. of the breadth.

In all cases the shipowner has the right to require that the cubic capacity of the boat shall be determined by exact measurement.

8. The cubic capacity of a motorboat is obtained from the gross capacity by deducting a volume equal to that occupied by the motor and its accessories, and, when carried, the wireless telegraphy installation and the searchlight with their accessories.

REGULATION XXXI.

Deck Area of Boats of Class II.

1. The area of the deck of a decked boat shall be determined by the method indicated below or by any other method giving the same degree of accuracy. The same rule is to be applied in determining the area within the fixed bulwarks of a boat of Class II (*a*).

2. For example, the surface in square metres (or square feet) of a boat may be deemed to be given by the following formula :—

$$\text{Area} = \frac{l}{12}(2a + 1{\cdot}5b + 4c + 1{\cdot}5d + 2e)$$

l being the length in metres (or in feet) from the intersection of the outside of the planking with the stem to the corresponding point at the stern post.

a, b, c, d, e denote the horizontal breadths in metres (or in feet) outside the planking at the points obtained by dividing l into four equal parts and sub-dividing the foremost and aftermost parts into two equal parts (a and e being the breadths at the extreme sub-divisions, c at the middle point of the length, and b and d at the intermediate points).

REGULATION XXXII.

Marking of Boats, Life Rafts and Buoyant Apparatus.

The dimensions of the boat and the number of persons which it is authorised to carry, shall be marked on it in clear permanent characters. These marks shall be specifically approved by the officers appointed to inspect the ship.

Life rafts and buoyant apparatus shall be marked with the number of persons in the same manner.

REGULATION XXXIII.

Carrying Capacity of Boats.

1. The number of persons which a boat of one of the standard types can accommodate is equal to the greatest whole number obtained by dividing the capacity in cubic metres (or cubic feet), or the surface in square metres (or square feet), of the boat by the standard unit of capacity, or unit of surface (according to circumstances), defined below for each type.

2. The standard units of capacity and surface for determining the number of persons are as follows:—

Unit of Capacity.	Cubic Metres.	Equivalent in Cubic Feet.
Open boats, Class I (*a*) ...	0·283	10
Open boats, Class I (*b*) ...	0·255	9
Unit of Surface.	**Square Metres.**	**Equivalent in Square Feet.**
Class II	0·325	3½

3. The Administration may accept, in place of 0·325 or 3½, as the case may be, a smaller divisor, if it is satisfied after trial that the number of persons for whom there is seating accommodation in the decked boat in question is greater than the number obtained by applying the above divisor, provided always that the divisor adopted in place of 0·325 or 3½, as the case may be, may never be less than 0·280 or 3, as the case may be.

The Administration which accepts a lower divisor in this way shall communicate to the other Administrations particulars of the trial and drawings of the decked boat in question.

REGULATION XXXIV.

Capacity Limits.

No boat shall be marked for a greater number of persons than that obtained in the manner specified in these Regulations.

This number shall be reduced—

(1) when it is greater than the number of persons for which there is proper seating accommodation; the latter number shall be determined in such a way that the persons when seated do not interfere in any way with the use of the oars;

(2) when, in the case of boats other than those of Class I, the freeboard when the boat is fully loaded is less than the freeboard laid down for each type respectively; the number shall be reduced until the freeboard when the boat is fully loaded is at least equal to the standard freeboard laid down above.

In boats of Class II (*b*) (i), the raised part of the deck at the sides may be regarded as affording seating accommodation.

1ST SCH. —*cont.*

REGULATION XXXV.

Equivalent for and Weight of the Persons.

In the tests for determining the number of persons which a boat or life raft can accommodate, each person shall be assumed to be an adult person wearing a life-jacket.

In verifications of freeboard the decked boats shall be loaded with a weight of at least 75 kilogrammes (165 lbs.) for each adult person that the decked boat is authorised to carry.

In all cases two children under 12 years of age shall be reckoned as one person.

REGULATION XXXVI.

Equipment of Boats and Life Rafts.

1. The normal equipment of every boat shall consist of :—

(*a*) A single banked complement of oars, two spare oars and a steering oar; one set and a half of thole pins or crutches; a boat hook.

(*b*) Two plugs for each plug hole (plugs are not required when proper automatic valves are fitted); a bailer and a galvanised iron bucket.

(*c*) A rudder and a tiller or yoke and yoke lines.

(*d*) Two hatchets.

(*e*) A lamp filled with oil and trimmed.

(*f*) A mast or masts with one good sail at least, and proper gear for each.

(*g*) An efficient compass.

(*h*) A life-line becketed round the outside.

(*i*) A sea-anchor.

(*j*) A painter.

(*k*) A vessel containing four and a half litres (equivalent to one gallon) of vegetable or animal oil. The vessel shall be so constructed that the oil can be easily distributed on the water, and so arranged that it can be attached to the sea-anchor.

(*l*) An airtight receptacle containing one kilogramme (equivalent to two pounds) of provisions for each person.

(*m*) A watertight receptacle provided with a dipper with lanyard containing one litre (equivalent to one quart) of fresh water for each person.

(*n*) At least one dozen self-igniting "red lights" and a box of matches in watertight containers.

(*o*) Half a kilogramme (equivalent to one pound) of condensed milk for each person.

1st Sch. —*cont.*

(*p*) A suitable locker for the stowage of the small items of the equipment.

(*q*) Any boat which is certified to carry 100 or more persons shall be fitted with a motor and shall comply with the requirements of Regulation XXVII.

A motor lifeboat need not carry a mast or sails or more than half the complement of oars, but it shall carry two boathooks.

Decked lifeboats shall have no plug-hole, but shall be provided with at least two bilge-pumps.

In the case of a ship which carries passengers in the North Atlantic north of 35° North Latitude, only a proportion of the boats, to be fixed by the Administration, need be equipped with masts and sails, and only one-half the quantity of condensed milk need be carried.

2. Where the number of lifeboats carried on a ship is more than 13, one shall be a motor boat, and where the number is more than 19, two shall be motor boats. These motor lifeboats shall be fitted with a wireless telegraph installation and a searchlight.

The wireless telegraph installation shall comply with conditions as to range and efficiency to be decided by each Administration.

The searchlight shall include a lamp of at least 80 watts, an efficient reflector and a source of power which will give effective illumination of a light coloured object over a width of about 18 metres (60 feet) at a distance of 180 metres (200 yards) for a total period of six hours, and it shall be capable of working for three hours continuously.

Where the power for the wireless equipment and the searchlight are derived from the same source, this shall be sufficient to provide for the adequate working of both appliances.

3. The normal equipment of every approved life raft shall consist of—

(*a*) Four oars.

(*b*) Five rowlocks.

(*c*) A self-igniting lifebuoy light.

(*d*) A sea-anchor.

(*e*) A painter.

(*f*) A vessel containing four and a half litres (equivalent to one gallon) of vegetable or animal oil. The vessel shall be so constructed that the oil can be easily distributed on the water, and so arranged that it can be attached to the sea-anchor.

(*g*) An airtight receptacle containing one kilogramme (equivalent to two pounds) of provisions for each person.

1st Sch. —*cont.*

(*h*) A watertight receptacle provided with a dipper with lanyard containing one litre (equivalent to one quart) of fresh water for each person.

(*i*) At least one dozen self-igniting red lights and a box of matches in watertight containers.

4. In the case of a ship which is engaged in short international voyages, the Administration may exempt the boats from carrying the equipment specified under sub-paragraphs (*f*), (*l*) and (*o*) of paragraph 1 and from the requirements of paragraph 2, and may also exempt the life rafts from carrying the equipment specified in paragraph 3 (*g*).

Regulation XXXVII.

Stowage and Handling of Boats and Life Rafts.

1. Subject to the conditions of Regulation XXXVIII, the lifeboats may be stowed one above the other, or they may, subject to such conditions as the Administration may impose, be fitted one within another, but where boats so fitted require lifting before being launched they shall only be permitted if mechanical power appliances for lifting are provided.

(2) The lifeboats and life rafts additional to boats stowed under boats attached to davits may be stowed across a deck, bridge or poop and so secured that they will have the best chance of floating free of the ship if there is no time to launch them.

(3) As large a number as possible of the additional boats referred to in paragraph 2 shall be capable of being launched on either side of the ship by means of approved appliances for transferring them from one side of the deck to the other.

(4) Boats may only be stowed on more than one deck on condition that proper measures are taken to prevent boats on a lower deck being fouled by those stowed on a deck above.

(5) Boats shall not be placed in the bows of the ship or in any positions in which they would be brought into dangerous proximity to the propellers at the time of launching.

(6) Davits shall be of approved form and so disposed on one or more decks that the boats placed under them can be safely lowered without interference from the operation of any other davits.

(7) The davits, blocks, falls and all other gear shall be of such strength that the boats can be safely lowered with the full complement of persons and equipment, with the ship listed to 15 degrees either way. The falls shall be long enough to reach the water with the vessel at her lightest seagoing draught and with a list of 15 degrees.

(8) The davits shall be fitted with gear of sufficient power to ensure that the boats, fully equipped and manned, but not otherwise loaded with passengers, can be turned out against the maximum list at which the lowering of the boats is possible.

(9) The boats attached to the davits shall have the falls ready for service, and means shall be provided for speedily, but not necessarily simultaneously, detaching the boats from the falls.

(10) Where more than one boat is served by the same set of davits, if the falls are of rope, separate falls shall be provided to serve each boat, but where wire falls are used with mechanical appliances for recovering them, separate falls need not be provided. The appliances used must be such as to ensure lowering the boats in turn and rapidly.

Where mechanical appliances are fitted for the recovery of the falls efficient hand gear shall also be provided.

(11) On short international voyages where the height of the boat deck above the water line when the vessel is at her lightest sea-going draught does not exceed 4·5 metres (15 feet), the requirements as to strength of davits and turning-out gear in subparagraphs 7, 8 and 10 shall not apply.

Regulation XXXVIII.

Number and Capacity of Boats, Life Rafts, &c., and Davits.

(1) A ship shall be provided with sets of davits in accordance with its length as provided in Column A of the Table in Regulation XXXIX, provided that a number of sets of davits greater than the number of boats necessary for the accommodation of all the persons on board shall not be required.

Each set of davits shall have a boat of Class I attached to it. If the lifeboats attached to davits do not provide sufficient accommodation for all the persons on board, additional lifeboats of one of the standard types shall be provided. One additional lifeboat shall, in the first place, be stowed under each of the boats attached to davits. After these have been fitted other boats shall be carried inboard, but an Administration may, if it is of opinion that life rafts will be more readily available and otherwise more satisfactory than these lifeboats in a case of emergency, allow life rafts to be carried provided that the total capacity of the boats on the ship will be at least up to the minimum capacity required by Column C of the Table in Regulation XXXIX.

When in the opinion of the Administration it is neither practicable nor reasonable to place on a ship the number of sets

1st Sch. —*cont.*

of davits required by Column A of the Table in Regulation XXXIX, the Administration may authorise, under exceptional conditions, a smaller number of sets of davits, provided always that this number shall never be less than the minimum number fixed by Column B of the Table and that the total capacity of the boats on the ship will be at least up to the minimum capacity required by Column C.

2. A ship engaged on short international voyages shall be provided with sets of davits in accordance with its length as provided in Column A of the Table in Regulation XXXIX. Each set of davits shall have a boat of Class I attached to it. If the lifeboats attached to davits do not provide the minimum cubic capacity specified in Column D of the Table in Regulation XXXIX or provide accommodation for all persons on board, additional lifeboats of one of the standard types, approved life rafts or other approved buoyant apparatus shall be provided, and the accommodation thus provided shall be sufficient for all on board.

When in the opinion of the Administration it is neither practicable nor reasonable to place on a ship engaged in short international voyages, the number of sets of davits required by Column A of the Table in Regulation XXXIX, the Administration may authorise, under exceptional conditions, a smaller number of sets of davits, provided always that this number shall never be less than the minimum number fixed by Column B of the Table, and that the total capacity of the boats on the ship will be at least up to the minimum capacity required by Column D.

REGULATION XXXIX.

Table relating to davits and lifeboat capacity.

The following table fixes, according to the length of the ship—

(A) *The minimum number of sets of davits* to be provided to each of which must be attached a boat of Class I in accordance with Regulation XXXVIII above.

(B) *The smaller number of sets of davits which may be authorised exceptionally* under Regulation XXXVIII.

(C) *The minimum life-boat capacity required*, including the life-boats attached to davits and the additional boats, in accordance with Regulation XXXVIII.

(D) *The minimum life-boat capacity* required for a ship engaged in short international voyages.

1st Sch. —*cont.*

Registered Length of the Ship.		(A.) Minimum Number of Sets of Davits.	(B.) Smaller Number of Sets of Davits authorised exceptionally.	(C.) Minimum Capacity of Lifeboats.		(D.) Minimum Capacity of Lifeboats.	
Metres.	Feet.			Cubic Metres.	Cubic Feet.	Cubic Metres.	Cubic Feet.
31 and under 37	100 and under 120	2	2	28	980	11	400
37 „ 43	120 „ 140	2	2	35	1,220	17	600
43 „ 49	140 „ 160	2	2	44	1,550	24	850
49 „ 53	160 „ 175	3	3	53	1,880	33	1,150
53 „ 58	175 „ 190	3	3	68	2,390	37	1,300
58 „ 63	190 „ 205	4	4	78	2,740	41	1,450
63 „ 67	205 „ 220	4	4	94	3,330	45	1,600
67 „ 70	220 „ 230	5	4	110	3,900	48	1,700
70 „ 75	230 „ 245	5	4	129	4,560	52	1,850
75 „ 78	245 „ 255	6	5	144	5,100	60	2,100
78 „ 82	255 „ 270	6	5	160	5,640	68	2,400
82 „ 87	270 „ 285	7	5	175	6,190	76	2,700
87 „ 91	285 „ 300	7	5	196	6,930	85	3,000
91 „ 96	300 „ 315	8	6	214	7,550	94	3,300
96 „ 101	315 „ 330	8	6	235	8,290	105	3,700
101 „ 107	330 „ 350	9	7	255	9,000	116	4,100
107 „ 113	350 „ 370	9	7	273	9,630	125	4,400
113 „ 119	370 „ 390	10	7	301	10,650	133	4,700
119 „ 125	390 „ 410	10	7	331	11,700	144	5,100
125 „ 133	410 „ 435	12	9	370	13,060	156	5,500
133 „ 140	435 „ 460	12	9	408	14,430	170	6,000
140 „ 149	460 „ 490	14	10	451	15,920	185	6,550
149 „ 159	490 „ 520	14	10	490	17,310	201	7,100
159 „ 168	520 „ 550	16	12	530	18,720	217	7,650
168 „ 177	550 „ 580	16	12	576	20,350		
177 „ 186	580 „ 610	18	13	620	21,900		
186 „ 195	610 „ 640	18	13	671	23,700		
195 „ 204	640 „ 670	20	14	717	25,350		
204 „ 213	670 „ 700	20	14	766	27,050		
213 „ 223	700 „ 730	22	15	808	28,560		
223 „ 232	730 „ 760	22	15	854	30,180		
232 „ 241	760 „ 790	24	17	908	32,100		
241 „ 250	790 „ 820	24	17	972	34,350		
250 „ 261	820 „ 855	26	18	1,031	36,450		
261 „ 271	855 „ 890	26	18	1,097	38,750		
271 „ 282	890 „ 925	28	19	1,160	41,000		
282 „ 293	925 „ 960	28	19	1,242	43,880		
293 „ 303	960 „ 995	30	20	1,312	46,350		
303 „ 314	995 „ 1,030	30	20	1,380	48,750		

Note on (A) and (B).—When the length of the ship exceeds 314 metres (equivalent to 1,030 feet) the Administration shall determine the minimum number of sets of davits for that ship; full particulars of its decision shall be communicated to the other Administrations.

Note on (C) and (D).—For the purposes of this table the capacity of a boat of Class II is obtained by multiplying the number of persons for which the boat is certified by 0·283 to obtain the capacity in cubic metres and by 10 to obtain the capacity in cubic feet.

Note on (D).—When the length of a ship is under 31 metres (equivalent to 100 feet) or over 168 metres (equivalent to 550 feet) the cubic capacity of the lifeboats shall be prescribed by the Administration.

1st Sch. —*cont.*

Regulation XL.

Life-Jackets and Life-Buoys.

1. A life-jacket shall satisfy the following requirements :—

(*a*) It shall be constructed with proper workmanship and materials;

(*b*) It shall be capable of supporting in fresh water for 24 hours 7·5 kilogrammes of iron (equivalent to 16½ pounds);

(*c*) It shall be reversible.

Life-jackets the buoyancy of which depends on air compartments are prohibited.

2. A lifebuoy shall satisfy the following requirements :—

(*a*) It shall be of solid cork or any other equivalent material;

(*b*) It shall be capable of supporting in fresh water for 24 hours at least 14·5 kilogrammes (equivalent to 32 pounds) of iron.

Life-buoys filled with rushes, cork shavings or granulated cork, or any other loose granulated material, or whose buoyancy depends upon air compartments which require to be inflated, are prohibited.

3. The minimum number of life-buoys with which ships are to be provided is fixed by the following table :—

Length of the Ship. Metres.	Equivalent in Feet.	Minimum Number of Buoys.
Under 61 - - -	Under 200 - - -	8
61 and under 122 -	200 and under 400 -	12
122 and under 183 -	400 and under 600 -	18
183 and under 244 -	600 and under 800 -	24
244 and over - -	800 and over - - -	30

4. All the buoys shall be fitted with beckets securely seized. At least one buoy on each side shall be fitted with a life-line of at least 27·5 metres (15 fathoms) in length. Not less than one-half of the total number of life-buoys, and in no case less than six, shall be provided with efficient self-igniting lights which cannot be extinguished in water, and these shall be kept near the buoys to which they belong, with the necessary means of attachment.

5 All the life-buoys and life-jackets shall be so placed as to be readily accessible to the persons on board; their position shall be plainly indicated so as to be known to the persons concerned.

The life-buoys shall always be capable of being rapidly cast loose and shall not be permanently secured in any way.

REGULATION XLI.

Certificated Lifeboatmen.

In order to obtain the special lifeboatman's certificate provided for in Article 22 of the present Convention, the applicant must prove that he has been trained in all the operations connected with launching lifeboats and the use of oars; that he is acquainted with the practical handling of the boats themselves; and, further, that he is capable of understanding and answering the orders relative to lifeboat service.

There shall be for each boat or life-raft a number of lifeboatmen at least equal to that specified in the following table :—

If the Prescribed Complement is :	The Minimum Number of Certificated Lifeboatmen shall be :
Less than 41 persons - - - -	2
From 41 to 61 persons - - - -	3
From 62 to 85 persons - - - -	4
Above 85 persons - - - - -	5

REGULATION XLII.

Manning of Boats.

A deck officer or certificated lifeboatman shall be placed in charge of each boat or life-raft and a second in command shall also be nominated. The person in charge shall have a list of its crew, and shall see that the men placed under his orders are acquainted with their several duties.

A man capable of working the motor shall be assigned to each motor boat.

A man capable of working the wireless and searchlight installations shall be assigned to boats carrying this equipment.

The duty of seeing that the boats, life-rafts and buoyant apparatus and other lifesaving apparatus are at all times ready for use shall be assigned to one or more officers.

REGULATION XLIII.

Fire Detection and Extinction.

1. An efficient patrol system shall be maintained, so that any outbreak of fire may be promptly detected. In addition, a fire alarm or fire detecting system shall be provided, which will automatically indicate or register at one or more points or stations where it can be most quickly observed by officers and crew, the presence or indication of fire in any part of the ship not accessible to the patrol system.

1st Sch. —*cont.*

2. Every ship shall be provided with powerful pumps, operated by steam or other means. On ships of less than 4,000 tons gross there shall be two, and on larger ships three of these pumps. Each of the pumps shall be capable of delivering a sufficient quantity of water in two powerful jets simultaneously in any given part of the ship, and shall be available for immediate use before the ship leaves port.

3. The service pipes shall permit of two powerful jets of water being simultaneously directed on any given part of a deck occupied by passengers and crew, when the watertight and fire-resisting doors are closed. The service pipes and hoses shall be of ample size and made of suitable material. The branches of the pipes shall be so placed on each deck that the fire hose can be easily coupled to them.

4. Provision shall be made whereby at least two powerful jets of water can be rapidly and simultaneously directed into any space containing cargo. In addition, arrangements shall be made whereby smothering gas sufficient to give a minimum volume of free gas equal to 30 per cent. of the gross volume of the largest hold in the ship can be promptly conveyed by a permanent piping system into each compartment in which cargo is carried. Steam in adequately equivalent proportion may be accepted in place of smothering gas on steam-driven ships. Provision for the supply of smothering gas or steam need not be required in ships of less than 1,000 tons gross.

5. A sufficient number of portable fluid fire extinguishers shall be provided, at least two being carried in each machinery space.

6. Two equipments, consisting of a smoke helmet or breathing apparatus and a safety lamp, shall be carried on board, and kept in two widely separated places.

7. In steamships in which the main boilers are oil fired, there shall be provided in addition to means whereby two powerful jets of water may be rapidly and simultaneously directed into any part of the machinery spaces—

(*a*) Suitable conductors for spraying water on oil without undue disturbance of the surface.

(*b*) In each firing space, a receptacle containing 283 cubic decimetres (10 cubic feet) of sand, sawdust impregnated with soda, or other approved dry materials, and scoops for distributing the same.

(*c*) In each boiler room, and in each of the machinery spaces in which a part of the oil fuel installation is situated, two approved portable extinguishers of a type discharging froth or other approved medium suitable for quenching oil fires.

(*d*) Means whereby froth may be rapidly discharged and distributed over the whole of the lower part of the

1st Sch. —*cont.*

boiler room or of any one boiler room, if there are more than one, or of any machinery space in which oil fuel units or settling tanks are situated. The quantity of froth which can be discharged shall be ample to cover to a depth of 15·24 centimetres (6 inches) the whole area of the plating formed in any one compartment by the inner bottom plating, or by the shell plating of the vessel, if there is no double-bottom tank. If the engine and boiler rooms are not entirely separate, and fuel can drain from the boiler room bilges into the engine room, the combined engine and boiler rooms shall be considered as one compartment. The apparatus shall be operated and controlled from outside the compartment in which the fire may occur.

(*e*) In addition to the foregoing, one extinguisher of the froth type of at least 136 litres (30 gallons) capacity in steamships having one boiler room and two such extinguishers in steamships with more than one boiler room. These extinguishers shall be provided with hoses on reels suitable for reaching any part of the boiler rooms and spaces containing oil-fuel pumping units. Equally efficient apparatus may be accepted in place of the 136 litres (30-gallons) extinguishers.

(*f*) All containers and valves by which they are operated shall be easily accessible and so placed that they will not readily be cut off from use by an outbreak of fire.

(8) In vessels propelled by internal combustion engines there shall be provided in each of the machinery spaces, in addition to means whereby two powerful jets of water may be rapidly and simultaneously directed into any part of the machinery spaces, together with suitable spraying conductors, froth extinguishers as follows :—

(*a*) At least one approved 45 litres (10-gallons) extinguisher with an addition of one approved 9 litres (2-gallons) extinguisher for each 1,000 B.H.P. of the engines, but the total number of 9 litres (2-gallons) extinguishers so supplied shall be not less than two and need not exceed six.

(*b*) When a donkey boiler is situated in the machinery space there shall be provided, in place of the 45 litres (10-gallons) extinguisher mentioned above, one of 136 litres (30 gallons) capacity, fitted with suitable hose attachments or other approved methods for distributing the froth.

(9) In steamships using oil fuel, if the engine and boiler rooms are not entirely separated by a steel bulkhead, and if fuel oil can drain from the boiler-room bilges into the engine room, one

1st Sch. —*cont.*

of the fire pumps shall be situated in the tunnel or other space outside the machinery compartment. When more than two pumps are required they shall not all be fitted in the same space.

(10) Where any special type of appliance, extinguishing medium or arrangement is specified, any other type of appliance, &c., may be allowed, provided that it is not less effective than the specified one. For example—a Carbon Dioxide system may be accepted in place of a froth installation (paragraph (7), sub-paragraphs (*d*) and (*e*)), provided that the quantity of carbon dioxide carried is sufficient to give a gas saturation of about 25 per cent. for the gross volume of the stokehold to about the top of the boilers.

(11) All the fire-extinguishing appliances shall be thoroughly examined at least once each year by a surveyor appointed by the Administration.

Regulation XLIV.

Muster List.

The muster list shall assign duties to the different members of the crew in connexion with—

(*a*) The closing of the watertight doors, valves, &c.

(*b*) The equipment of the boats, life rafts and buoyant apparatus generally.

(*c*) The launching of the boats attached to davits.

(*d*) The general preparation of the other boats, the life rafts and buoyant apparatus.

(*e*) The muster of the passengers.

(*f*) The extinction of fire.

The muster list shall assign to the members of the stewards' department their several duties in relation to the passengers at a time of emergency. These duties shall include :—

(*a*) Warning the passengers.

(*b*) Seeing that they are dressed and have put on their life-jackets in a proper manner.

(*c*) Assembling the passengers at muster stations.

(*d*) Keeping order in the passages and on the stairways, and, generally, controlling the movements of the passengers.

The muster list shall specify definite signals for calling all the crew to their boat and fire stations, and shall give full particulars of these signals.

Regulation XLV.

Musters and Drills.

Musters of the crew for boat drill shall take place weekly when practicable, and in vessels in which the voyage exceeds one week, before leaving port. The dates upon which musters are held shall be recorded in the Official Log Book and, if in any week a muster is not held, an entry shall be made stating why a muster was not practicable.

In ships in which the voyage exceeds one week practice musters of passengers should be held at an early period of each voyage.

Different groups of boats shall be used in turn at successive boat drills. The drills and inspections shall be so arranged that the crew thoroughly understand and are practised in the duties they have to perform, and that all lifesaving appliances with the gear appertaining to them are always ready for immediate use.

The emergency signal for summoning passengers to muster stations shall be a succession of more than six short blasts followed by one long blast on the whistle or syren. This shall be supplemented on all ships except those engaged in short international voyages by other electrically operated signals throughout the ship controlled from the bridge. The meaning of all signals affecting passengers shall be clearly stated in different languages on cards posted in their cabins and in other passenger quarters.

SAFETY OF NAVIGATION.

Regulation XLVI.

Transmission of Information.

The transmission of information regarding ice, derelicts, tropical storms or any other direct danger to navigation is obligatory. The form in which the information is sent is not obligatory. It may be transmitted either in plain language (preferably English) or by means of the International Code of Signals (Wireless Telegraphy Section). It should be issued CQ to all ships, and should also be sent to the first point of the coast to which communication can be made with a request that it be transmitted to the appropriate authority.

All messages issued under Article 34 of the present Convention will be preceded by the safety signal TTT followed by an indication of the nature of the danger, thus: TTT Ice; TTT Derelict; TTT Storm; TTT Navigation.

1st Sch.
—*cont.*

Information Required.

The following information is desired, the time in all cases being Greenwich Mean Time :—

(*a*) *Ice, Derelicts and other Direct Dangers to Navigation.*

(1) the kind of ice, derelict or danger observed;

(2) the position of the ice, derelict or danger when last observed.

(3) the time and date when the observation was made.

(*b*) *Tropical Storms.*—(Hurricanes in the West Indies, Typhoons in the China Seas, Cyclones in Indian waters, and storms of a similar nature in other regions.)

(1) *A Statement that a Tropical Storm has been Encountered.*—This obligation should be interpreted in a broad spirit, and information transmitted whenever the master has good reason to believe that a tropical storm exists in his neighbourhood.

(2) *Meteorological Information.*—In view of the great assistance given by accurate meteorological data in fixing the position and movement of storm centres, each shipmaster should add to his warning message as much of the following meteorological information as he finds practicable :—

(*a*) barometric pressure (millibars, inches or millimetres);

(*b*) change in barometric pressure (the change during the previous two to four hours);

(*c*) wind direction (true not magnetic);

(*d*) wind force (Beaufort or decimal scale);

(*e*) state of the sea (smooth, moderate, rough, high);

(*f*) swell (slight, medium, heavy) and the direction from which it comes.

When barometric pressure is given the word "millibars," "inches" or "millimetres," as the case may be, should be added to the reading, and *it should always be stated whether the reading is corrected or uncorrected.*

When changes of the barometer are reported the course and speed of the ship should also be given.

All directions should be true, not magnetic.

(3) *Time and Date and Position of the Ship.*—These should be for the time and position when the meteorological observations reported were made and not when the message was prepared or despatched. The time used in all cases should be Greenwich Mean Time.

1st Sch. —*cont.*

(4) *Subsequent Observations.*—When a master has reported a tropical storm it is desirable, but not obligatory, that other observations be made and transmitted at intervals of three hours, so long as the ship remains under the influence of the storm.

Examples.

Ice.

TTT Ice. Large berg sighted in 4605 N., 4410 W., at 0800 GMT. May 15.

Derelict.

TTT Derelict. Observed derelict almost submerged in 4006 N., 1243 W., at 1630 GMT. April 21.

Danger to Navigation.

TTT Navigation. Alpha lightship not on station. 1800 GMT. January 3.

Tropical Storm.

TTT Storm. Experiencing tropical storm. Barometer corrected 994 millibars, falling rapidly. Wind NW., force 9, heavy squalls. Swell E. Course ENE., 5 knots. 2204 N., 11354 E. 0030 GMT. August 18.

TTT Storm. Appearances indicate approach of hurricane. Barometer corrected 29·64 inches falling. Wind NE., force 8. Swell medium from NE. Frequent rain squalls. Course 35°, 9 knots. 2200 N., 7236 W. 1300 GMT. September 14.

TTT Storm. Conditions indicate intense cyclone has formed. Wind S. by W. force 5. Barometer uncorrected 753 millimetres, fell 5 millimetres last three hours. Course N. 60 W., 8 knots. 1620 N., 9302 E. 0200 GMT. May 4.

TTT Storm. Typhoon to south-east. Wind increasing from N. and barometer falling rapidly. Position 1812 N., 12605 E. 0300 GMT. June 12.

1st Sch.
—*cont.*

CERTIFICATES.

REGULATION XLVII.

Form of Safety Certificate for Passenger Ships.

SAFETY CERTIFICATE.

(Official Seal.) *(Country.)*

for $\frac{\text{an}}{\text{a short}}$ international voyage.

Issued under the provisions of the

INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA, 1929.

Name of Ship.	Distinctive Number or Letters.	Port of Registry.	Gross Tonnage.

The (*Name*) Government certifies
I, the undersigned, (*Name*) certify

I. That the above-mentioned ship has been duly surveyed in accordance with the provisions of the International Convention referred to above.

II. That the survey showed that the ship complied with the requirements of the said Convention as regards—

(1) the hull, main and auxiliary boilers and machinery;

(2) the watertight subdivision arrangements and details;

(3) the following subdivision loadlines :—

Subdivision loadlines assigned and marked on the ship's side at amidships (Convention Article 5).	Freeboard.	To apply when the spaces in which passengers are carried include the following alternative spaces.
C. 1	...	...
C. 2	...	...
C. 3	...	...

(4) the boats, life-rafts and life-saving appliances which provide for a total number (crew and passengers) of................. persons, and no more, viz. :—

IST SCH. —*cont.*

.... boats capable of accommodating .... persons.
.... life-rafts „ „ .... „
.... buoyant apparatus capable of supporting .... persons.
.... life-buoys.
.... life-jackets.
.... certificated lifeboatmen.

(5) the radiotelegraph installations :—

—	Requirements of Articles............of the said Convention.	Actual provision.
Hours of watch - - -	...	...
Whether approved auto-alarm fitted - - - - -	...	...
Whether separate emergency installation fitted - - -	...	...
Minimum number of operators -	...	...
Additional operators or watchers	...	...
Whether direction-finding apparatus fitted - - - -	...	...

III. That in all other respects the ship complies with the requirements of the said Convention, so far as those requirements apply thereto.

This certificate is issued under the authority of the Government. It will remain in force until

Issued at the day of

Here follows the seal or signature of the authority entitled to issue this certificate.

(*Seal.*)

If signed, the following paragraph is to be added :—

The undersigned declares that he is duly authorised by the said Government to issue this certificate.

(*Signature.*)

1ST SCH. —*cont.*

Form of Safety Radiotelegraphy Certificate.

SAFETY RADIOTELEGRAPHY CERTIFICATE.

(Official Seal.) *(Country.)*

Issued under the provisions of the
INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA, 1929.

Name of Ship.	Distinctive Number or Letters.	Port of Registry.	Gross Tonnage.

The (*Name*) Government certify
I, the undersigned, (*Name*) certify

That the above-mentioned ship complies with the provisions of the International Convention referred to above as regards Radiotelegraphy :—

—	Requirements of Articles............of the said Convention.	Actual provision.
Hours of watch - - -	...	...
Whether approved auto-alarm fitted - - - - -	...	...
Whether separate emergency installation fitted - - -	...	...
Minimum number of operators -	...	...
Additional operators or watchers	...	...
Whether direction-finding apparatus fitted - - - -	...	...

This certificate is issued under the authority of the Government. It will remain in force until

Issued at the day of

Here follows the seal or signature of the authority entitled to issue this certificate.

(Seal.)

If signed, the following paragraph is to be added :—

The undersigned declares that he is duly authorised by the said Government to issue this certificate.

(Signature.)

Form of Exemption Certificate.

1st Sch.
—*cont.*

Exemption Certificate.

(*Official Seal.*) (*Country.*)

Issued under the provisions of the

INTERNATIONAL CONVENTION FOR SAFETY OF LIFE AT SEA, 1929.

Name of Ship.	Distinctive Number or Letters.	Port of Registry.	Gross Tonnage.

The (*Name*) Government certify
I, the undersigned, (*Name*) certify

That the above-mentioned ship is under the authority conferred by Article.........of the International Convention referred to above exempted from the requirements of†........................ of the Convention on the voyages.. to...

* Insert here the conditions if any, on which the exemption certificate is granted. *

This certificate is issued under the authority of the Government. It will remain in force until

Issued at the day of

Here follows the seal or signature of the authority entitled to issue this certificate.

(*Seal.*)

If signed, the following paragraph is to be added :—

The undersigned declares that he is duly authorised by the said Government to issue this certificate.

(*Signature.*)

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† Insert here references to Articles and Regulations, specifying particular paragraphs.

1st Sch. —*cont.*

ANNEX II.

International Regulations for preventing Collisions at Sea.

* * * * * * * * *

Final Act of the International Conference on Safety of Life at Sea.

* * * * * * * * *

I.

At the moment of signing the Convention for the Safety of Life at Sea concluded this day, the undersigned Plenipotentiaries have agreed on the following :—

Safety Operators.

In order to ensure the coming into force at an early date of the international agreement to make the installation of radiotelegraphy obligatory on all cargo ships of 1,600 tons gross tonnage and upwards, and thereby to promote the general safety of life at sea, the Contracting Governments undertake to use their efforts to promote an amendment to the Radiotelegraph Convention to the effect that the requirements as to the minimum speed of operation to be attained by an operator on board a compulsorily fitted ship should be laid down as follows :—

> "Correct transmission and correct reception by ear of code groups (mixed letters, figures and punctuation marks) at a speed of 16 (sixteen) groups per minute. Each code group must comprise 5 (five) characters, each figure or punctuation mark counting as 2 (two) characters."

Should the International Radiotelegraph Conference find itself unable to approve of the above proposal, the present Conference is of opinion that a new Certificate with operating qualifications as set out above should be established, and that the holders of such Certificate should be authorised to deal with public correspondence in ship stations of the Third Class as defined by the Washington Radiotelegraph Convention.

1st Sch. —*cont.*

II.

The Conference takes note of the following declarations, made by the undermentioned delegations :—

(A.)

The Plenipotentiaries of the United States of America formally declare that the signing of the International Convention for the Safety of Life at Sea by them, on the part of the United States of America, on this date, is not to be construed to mean that the Government of the United States of America recognizes a régime or entity which signs or accedes to the Convention as the Government of a country when that régime or entity is not recognized by the Government of the United States of America as the Government of that country.

The Plenipotentiaries of the United States of America further declare that the participation of the United States of America in the International Convention for the Safety of Life at Sea signed on this date does not involve any contractual obligation on the part of the United States of America to a country, represented by a régime or entity which the Government of the United States of America does not recognize as the Government of that country, until such country has a Government recognized by the Government of the United States of America.

(B.)

The Delegation of the Union of Socialist Soviet Republics declares that the Government of the Union of Socialist Soviet Republics, not being a party to the International Radiotelegraph Convention of 1927, does not consider itself bound by the undertaking embodied in Part I of this Final Act, but will, upon ratification of the International Convention for the Safety of Life at Sea, apply and give full effect to those articles of the last-named Convention and its annexes, where reference is made to provisions of the said Radiotelegraph Convention, as parties to the International Convention for the Safety of Life at Sea only.

III.

The Conference also adopts the following recommendations :—

As regards Construction.

1. *Stability.*

The necessity for and practicability of adopting stability regulations have been considered by this Conference, and the

1st Sch. —*cont.*

opinion has been reached that at this time it is practicable to adopt only the general requirement for stability tests on new passenger ships contained in Article 8. The Conference desires, however, to draw the attention of the Contracting Governments to the desirability of a study by each Administration of the subject of stability for the different national types of ships and trades, and of the exchange of information on this subject between these Contracting Governments.

2. *Openings in Bulkheads and Ship's Sides.*

The objection which attaches to openings, which may sometimes be open at sea, in the sides of ships and in the main transverse watertight bulkheads is recognised by this Conference, but it is the sense of the Conference that it is not at this time practicable to adopt international regulations concerning such openings which are more exacting than those incorporated in the Regulations. The Conference recommends, however, that the various Governments make special effort to assure that the number of such openings, particularly hinged sidescuttles below the margin line and doors low down in the machinery space bulkheads, be kept at the minimum required in each case.

3. *Services of Special Risk.*

The International Conference on Safety of Life at Sea realises that there are trades, such as the passenger services between England and the nearby Continental ports, in which the sea risks are, owing to weather and traffic conditions, exceptional, and where it is practicable, owing to the absence of general cargo, to adopt a higher standard of subdivision than that prescribed by the Convention. The Conference, therefore, recommends that the Contracting Governments concerned consider the adoption, in the case of ships primarily engaged in the carriage of passengers in such trades, of such improved standards of subdivision as may be found reasonable and practicable.

AS REGARDS LIFE-SAVING APPLIANCES, &c.

4. *Means of Clinging to Boats.*

The International Conference on Safety of Life at Sea recommends that the Contracting Governments should consider the practicability of requiring lifeboats carried on ships registered in their ports to be fitted with means to enable persons to cling to the boats if upturned in the water, without increasing the risks incident to the lowering of the boats.

1st Sch. —*cont.*

5. *Dangerous Goods.*

The International Conference on Safety of Life at Sea recommends that every possible effort should be made with a view to attaining an international agreement as to what goods should be considered as "dangerous goods" as mentioned in Article 24 of the Present Convention and of fixing uniform rules for the packing and stowage of such goods.

As regards Radiotelegraphy.

6. *Alarm Signal.*

The International Conference on Safety of Life at Sea, having approved of the use of the automatic alarm receiver for watch-keeping purposes, and anticipating that a large number of these receivers will be installed in passenger and cargo ships in the near future, recommends that the next International Radiotelegraph Conference prescribe that "the alarm signal shall, as a general rule, precede the distress signal."

7. *Cyclone Warnings.*

The International Conference on Safety of Life at Sea, considering that it is of more importance to prevent disaster than to render assistance after a disaster has occurred, and being of the opinion that in certain cases use may be made of the auto-alarm to this end, strongly recommends that the next International Radiotelegraph Conference authorise Governments to permit coast stations under their jurisdiction to precede the broadcasting of emergency cyclone warnings by the alarm signal.

8. *Wave Lengths.*

The International Conference on Safety of Life at Sea draws the attention of the Governments concerned to the advisability of ensuring that signals of distress utilising waves of Type A2 shall be effective over a sufficiently wide band of frequencies.

The Conference also desires to draw attention to the provisions of Article 5, § 11, of the Regulations annexed to the International Radiotelegraph Convention, Washington, 1927, and to point out that radiotelephonic transmissions on frequencies in the neighbourhood of the distress wave will render inoperative automatic alarm receivers working on the alarm signal defined in Article 19, § 21 (*e*), of the above-mentioned Regulations. The Conference desires, therefore, to emphasise the importance, in the interests of safety of life at sea, of avoiding the use of radiotelephonic emissions in the neighbourhood of the distress wave, except in case of emergency.

1st Sch. —*cont.*

As regards Safety of Navigation.

9. *Radio Aids to Navigation.*

The International Conference on Safety of Life at Sea recommends that the Contracting Governments should establish and maintain an adequate system of radio aids to navigation, and should take all necessary measures to ensure the efficiency and reliability of such services.

10. *Synchronised Radio and Under-Water Signals.*

The International Conference on Safety of Life at Sea favours the extension of the installation of distance-finding apparatus capable of emitting synchronised radio and under-water signals, as necessary to meet navigational needs in distance-finding and position finding by vessels.

11. *Depth-Sounding Apparatus.*

The International Conference on Safety of Life at Sea recommends that the Contracting Governments should encourage the development and use of echo depth-sounding apparatus.

12. *Life-Saving Signals.*

The International Conference on Safety of Life at Sea considers that the signals for life-saving stations communicating with vessels in distress and signals for vessels in distress communicating with life-saving stations should be international.

13. *Shore Lights.*

The International Conference on Safety of Life at Sea considers that, so far as practicable, steps should be taken by the Administrations concerned to regulate the position and the intensity of lights on land in the vicinity of the entrances to ports so as to ensure that such lights cannot be mistaken for, or do not impair the visibility of, the navigation lights of the port.

14. *Collision Regulations.—Aircraft.*

Under the International Collision Regulations, aircraft on the surface of the water are within the definition of "steam vessels." As such, they are required to carry lights, make sound signals and manœuvre, both in respect of surface vessels and of each other, in a manner that is not, in some instances, possible for them, due to the physical limitations of aircraft. At the same time, they can and should take upon themselves some definite measure of responsibility for the avoidance of collisions between surface vessels and aircraft on the surface of the water, and it is necessary that their rights and duties, when on the surface of the water, should be defined.

In order that an international agreement may be reached covering those provisions of the International Collision Regulations which apply to surface vessels and to aircraft on the surface of the high seas and on the waters connected therewith, navigable by sea-going vessels, the Conference recommends, in the interests of safety of life at sea, that this question should be studied by the competent authorities in the countries concerned, so that there may be an exchange of views, and an endeavour made to arrive at an international agreement. The Conference requests the Government of the United Kingdom of Great Britain and Northern Ireland to take the necessary action in the matter.

AS REGARDS CERTIFICATES.

15. *Recognition of Convention Standards.*

Recognising the importance of bringing the Convention standards into operation at the earliest possible date, it is recommended that all such steps as may be practicable should be taken by the Contracting Governments to secure the recognition in international trade as from the date of the signing of this Convention of such ships as in fact conform to such standards.

In faith whereof the undersigned have affixed their signatures to the present Act.

Done in London this thirty-first day of May, 1929, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified true copies thereof to all signatory Governments.

A.D. 1932.

SECOND SCHEDULE.

International Convention Respecting Load Lines, 1930.

Chapter I.—Preliminary.

Article 1.

General Obligation of Convention.

So that the load lines prescribed by this Convention shall be observed, the Contracting Governments undertake to give effect to the provisions of this Convention, to promulgate all regulations, and to take all other steps which may be necessary to give this Convention full and complete effect.

The provisions of this Convention are completed by Annexes, which have the same force and take effect at the same time as this Convention. Every reference to this Convention implies at the same time a reference to the Rules annexed thereto.

Article 2.

Scope of Convention.

1. This Convention applies to all ships engaged on international voyages, which belong to countries the Governments of which are Contracting Governments, or to territories to which this Convention is applied under Article 21, except—

(*a*) ships of war; ships solely engaged in fishing; pleasure yachts and ships not carrying cargo or passengers;

(*b*) ships of less than 150 tons gross.

2. Ships when engaged on international voyages between the near neighbouring ports of two or more countries may be exempted by the Administration to which such ships belong from the provisions of this Convention, so long as they shall remain in such trades, if the Governments of the countries in which such ports are situated shall be satisfied that the sheltered nature and

2nd Sch. —*cont.*

conditions of such voyages between such ports make it unreasonable or impracticable to apply the provisions of this Convention to ships engaged in such trades.

3. All agreements and arrangements relating to load line or matters appertaining thereto at present in force between Contracting Governments shall continue to have full and complete effect during the terms thereof as regards—

(*a*) ships to which this Convention does not apply;

(*b*) ships to which this Convention applies in respect of matters for which it has not expressly provided.

To the extent, however, that such agreements or arrangements conflict with the provisions of this Convention, the provisions of this Convention shall prevail.

Subject to any such agreement or arrangement—

(*a*) all ships to which this Convention does not apply; and

(*b*) all matters which are not expressly provided for in this Convention;

shall remain subject to the legislation of each Contracting Government to the same extent as if this Convention had not been made.

ARTICLE 3.

Definitions.

In this Convention, unless expressly provided otherwise—

(*a*) a ship is regarded as belonging to a country if it is registered by the Government of that country;

(*b*) the expression "Administration" means the Government of the country to which the ship belongs;

(*c*) an "international voyage" is a voyage from a country to which this Convention applies to a port outside such country, or conversely, and for this purpose, every colony, overseas territory, protectorate or territory under suzerainty or mandate is regarded as a separate country;

(*d*) the expression "Rules" means the Rules contained in Annexes I, II and III;

(*e*) a "new ship" is a ship, the keel of which is laid on or after the 1st July, 1932, all other ships being regarded as existing ships;

(*f*) the expression "steamer" includes any vessel propelled by machinery.

2nd Sch.
—*cont.*

Article 4.

Cases of "Force Majeure."

No ship, which is not subject to the provisions of this Convention at the time of its departure on any voyage, shall become subject to the provisions of this Convention on account of any deviation from its intended voyage due to stress of weather or any other cause of *force majeure.*

In applying the provisions of this Convention, the Administration shall give due consideration to any deviation or delay caused to any ship owing to stress of weather or to any other cause of *force majeure.*

Chapter II.—Load Line: Survey and Marking.

Article 5.

General Provisions.

No ship to which this Convention applies shall proceed to sea on an international voyage after the date on which this Convention comes into force, unless the ship, being—

A—a new ship,

(*a*) has been surveyed in accordance with the provisions of Annex I;

(*b*) complies with the provisions of Part II of Annex I; and

(*c*) has been marked in accordance with the provisions of this Convention.

B—an existing ship,

(*a*) has been surveyed and marked (whether before or after this Convention comes into force) in accordance with the conditions prescribed either in paragraph A of this Article or in one of the sets of Rules for the Assignment of Load Line particularised in Annex IV; and

(*b*) complies with the provisions of Part II of Annex I in principle, and also in detail, so far as is reasonable and practicable, having regard to the efficiency of (i) the protection of openings; (ii) guard rails; (iii) freeing ports, and (iv) means of access to crews' quarters provided by the existing arrangements, fittings and appliances on the ship.

Article 6.

Provisions for Steamers carrying Timber Deck Cargoes.

1. A steamer which has been surveyed and marked under Article 5 shall be entitled to be surveyed and marked with a timber load line under Part V of Annex I if, being—

A—a new ship, it complies with the conditions and provisions prescribed in Part V of Annex I;

B—an existing ship, it complies with the conditions and provisions of Part V of Annex I other than Rule LXXX, and also in principle, so far as is reasonable and practicable, with the conditions and provisions prescribed by Rule LXXX provided that in assigning a timber load line to an existing ship the Administration shall make such addition to the freeboard as shall be reasonable, having regard to the extent to which such ship falls short of full compliance with the conditions and provisions prescribed in Rule LXXX.

2. A steamer when using the timber load line shall comply with Rules LXXXIV, LXXXV, LXXXVI, LXXXVIII and LXXXIX.

Article 7.

Provisions for Tankers.

A steamer which has been surveyed under Article 5 shall be entitled to be surveyed and marked as a tanker under Part VI of Annex I if, being—

A—a new ship, it complies with the conditions and provisions prescribed in Part VI of Annex I;

B—an existing ship, it complies with the conditions and provisions in Rules XCIII, XCVI, XCVII, XCVIII and XCIX, and also in principle so far as is reasonable and practicable with Rules XCIV, XCV and C, provided that in assigning a tanker load line to an existing ship the Administration shall make such addition to the freeboard as shall be reasonable having regard to the extent to which such ship falls short of full compliance with the conditions and provisions prescribed in Rules XCIV, XCV and C.

Article 8.

Provisions for Ships of Special Types.

For steamers over 300 feet in length, possessing constructional features similar to those of a tanker which afford extra invulnerability against the sea, a reduction in freeboard may be granted.

2nd Sch. —*cont.*

The amount of such reduction shall be determined by the Administration in relation to the freeboard assigned to tankers, having regard to the degree of compliance with the conditions of assignment laid down for these ships, and the degree of subdivision provided.

The freeboard assigned to such a ship shall in no case be less than would be assigned to the ship as a tanker.

Article 9.

Survey.

The survey and marking of ships for the purpose of this Convention shall be carried out by officers of the country to which the ships belong, provided that the Government of each country may entrust the survey and marking of its ships either to Surveyors nominated for this purpose, or to organisations recognised by it. In every case the Government concerned fully guarantees the completeness and efficiency of the survey and marking.

Article 10.

Zones and Seasonal Areas.

A ship to which this Convention applies shall conform to the conditions applicable to the zones and seasonal areas described in Annex II to this Convention.

A port standing on the boundary line between two zones shall be regarded as within the zone from or into which the ship arrives or departs.

Chapter III.—Certificates.

Article 11.

Issue of Certificates.

A certificate, called "International Load Line Certificate," shall be issued to every ship which has been surveyed and marked in accordance with this Convention, but not otherwise.

An International Load Line Certificate shall be issued either by the Government of the country to which the ship belongs or by any person or organisation duly authorised by that Government, and in every case the Government assumes full responsibility for the certificate.

Article 12.

Issue of Certificates by another Government.

The Government of a country to which this Convention applies may, at the request of the Government of any other country to which this Convention applies, cause any ship which belongs to the last-mentioned country, or (in the case of an unregistered ship) which is to be registered by the Government of that country, to be surveyed and marked, and, if satisfied that the requirements of this Convention are complied with, issue an international Load Line Certificate to such ship, under its own responsibility. Any certificate so issued must contain a statement to the effect that it has been issued at the request of the Government of the country to which the ship belongs, or of the Government by whom the ship is to be registered, as the case may be, and it shall have the same force and receive the same recognition as a certificate issued under Article 11 of this Convention.

ARTICLE 13.

Form of Certificate.

The International Load Line Certificates shall be drawn up in the official language or languages of the country by which they are issued.

The form of the certificate shall be that of the model given in Annex III, subject to such modifications as may, in accordance with Rule LXXVIII, be made in the case of ships carrying timber deck cargoes.

ARTICLE 14.

Duration of Certificates.

1. An International Load Line Certificate shall, unless it is renewed in accordance with the provisions of paragraph 2 of this Article, expire at the end of such period as may be specified therein by the Administration which issues it: but the period so specified shall not exceed five years from the date of issue.

2. An International Load Line Certificate may be renewed from time to time by the Administration which issued it for such period (not exceeding five years on any occasion) as the Administration thinks fit, after a survey not less effective than the survey required by this Convention before the issue of the certificate, and any such renewal shall be endorsed on the certificate.

3. An Administration shall cancel any International Load Line Certificate issued to a ship belonging to its country:

A. If material alterations have taken place in the hull and superstructures of the ship which affect the calculations of freeboard.

B. If the fittings and appliances for the (i) protection of openings, (ii) guard rails, (iii) freeing ports and (iv)

2nd Sch. —*cont.*

means of access to crews' quarters are not maintained in as effective a condition as they were in when the certificate was issued.

C. If the ship is not inspected periodically at such times and under such conditions as the Administration may think necessary for the purpose of securing that the hull and superstructures referred to in Condition A are not altered and that the fittings and appliances referred to in Condition B are maintained as therein provided throughout the duration of the certificate.

Article 15.

Acceptance of Certificates.

International Load Line Certificates issued under the authority of a Contracting Government shall be accepted by the other Contracting Governments as having the same force as the certificates issued by them to ships belonging to their respective countries.

Article 16.

Control.

1. A ship to which this Convention applies, when in a port of a country to which it does not belong, is in any case subject to control with respect to load line as follows: An officer duly authorised by the Government of that country may take such steps as may be necessary for the purpose of seeing that there is on board a valid International Load Line Certificate. If there is such a certificate on board the ship, such control shall be limited to the purpose of securing—

(*a*) that the ship is not loaded beyond the limits allowed by the certificate;

(*b*) that the position of the load line on the ship corresponds with the certificate; and

(*c*) that the ship has not been so materially altered in respect to the matters dealt with in conditions A and B (set out in paragraph 3 of Article 14) that the ship is manifestly unfit to proceed to sea without danger to human life.

2. Only officers possessing the necessary technical qualifications shall be authorised to exercise control as aforesaid, and if such control is exercised under (*c*) above, it shall only be exercised in so far as may be necessary to secure that the ship shall be made fit to proceed to sea without danger to human life.

3. If control under this Article appears likely to result in legal proceedings being taken against the ship, or in the ship being detained, the consul of the country to which the ship belongs shall be informed as soon as possible of the circumstances of the case. 2nd Sch.—*cont.*

Article 17.

Privileges.

The privileges of this Convention may not be claimed in favour of any ship unless it holds a valid International Load Line Certificate.

Chapter IV.—General Provisions.

Article 18.

Equivalents.

Where in this Convention it is provided that a particular fitting, or appliance, or type thereof, shall be fitted or carried in a ship, or that any particular arrangement shall be adopted, any Administration may accept in substitution therefor any other fitting, or appliance, or type thereof, or any other arrangement, provided that such Administration shall have been satisfied that the fitting, or appliance, or type thereof, or the arrangement substituted is in the circumstances at least as effective as that specified in this Convention.

Any Administration which so accepts a new fitting, or appliance, or type thereof, or new arrangement shall communicate the fact to the other Administrations, and, upon request, the particulars thereof.

Article 19.

Laws, Regulations, Reports.

The Contracting Governments undertake to communicate to each other—

(1) the text of laws, decrees, regulations and decisions of general application which shall have been promulgated on the various matters within the scope of this Convention;

(2) all available official reports or official summaries of reports in so far as they show the results of the provisions of this Convention, provided always that such reports or summaries are not of a confidential nature.

The Government of the United Kingdom of Great Britain and Northern Ireland is invited to serve as an intermediary for collecting all this information and for bringing it to the knowledge of the other Contracting Governments.

2nd Sch. —*cont.*

Article 20.

Modifications, Future Conferences.

1. Modifications of this Convention which may be deemed useful or necessary improvements may at any time be proposed by any Contracting Government to the Government of the United Kingdom of Great Britain and Northern Ireland, and such proposals shall be communicated by the latter to all the other Contracting Governments, and if any such modifications are accepted by all the Contracting Governments (including Governments which have deposited ratifications or accessions which have not yet become effective) this Convention shall be modified accordingly.

2. Conferences for the purpose of revising this Convention shall be held at such times and places as may be agreed upon by the Contracting Governments.

A Conference for this purpose shall be convoked by the Government of the United Kingdom of Great Britain and Northern Ireland whenever, after this Convention has been in force for five years, one-third of the Contracting Governments express a desire to that effect.

CHAPTER V.—FINAL PROVISIONS.

Article 21.

Application to Colonies.

1. A Contracting Government may, at the time of signature, ratification, accession or thereafter, by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, declare its desire that this Convention shall apply to all or any of its Colonies, overseas territories, protectorates or territories under suzerainty or mandate, and this Convention shall apply to all the territories named in such notification, two months after the date of the receipt thereof, but, failing such notification, this Convention will not apply to any such territories.

2. A Contracting Government may at any time by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland express its desire that this Convention shall cease to apply to all or any of its colonies, overseas territories, protectorates or territories under suzerainty or mandate to which this Convention shall have, under the provisions of the preceding paragraph, been applicable for a period of not less than five years, and in such case the Convention shall cease to apply twelve months after the date of the receipt

of such notification by the Government of the United Kingdom of Great Britain and Northern Ireland to all territories mentioned therein.

2nd Sch. —cont.

3. The Government of the United Kingdom of Great Britain and Northern Ireland shall inform all the other Contracting Governments of the application of this Convention to any Colony, overseas territory, protectorate or territory under suzerainty or mandate under the provisions of paragraph 1 of this Article, and of the cessation of any such application under the provisions of paragraph 2, stating in each case the date from which this Convention has become or will cease to be applicable.

ARTICLE 22.

Authentic Texts.—Ratification.

This Convention, of which both the English and French texts shall be authentic, shall be ratified.

The instruments of ratification shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which will notify all the other signatory or acceding Governments of all ratifications deposited and the date of their deposit.

ARTICLE 23.

Accession.

A Government (other than the Government of a territory to which Article 21 applies) on behalf of which this Convention has not been signed, shall be allowed to accede thereto at any time after the Convention has come into force. Accessions shall be effected by means of notifications in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, and shall take effect three months after their receipt.

The Government of the United Kingdom of Great Britain and Northern Ireland shall inform all signatory and acceding Governments of all accessions received and of the date of their receipt.

ARTICLE 24.

Date of Coming in Force.

This Convention shall come into force on the 1st July, 1932, as between the Governments which have deposited their ratifications by that date, and provided that at least five ratifications have been deposited with the Government of the United Kingdom of Great Britain and Northern Ireland. Should five ratifications

2ND SCH. —*cont.*

not have been deposited by that date, this Convention shall come into force three months after the date on which the fifth ratification is deposited. Ratifications deposited after the date on which this Convention has come into force shall take effect three months after the date of their deposit.

ARTICLE 25.

Denunciation.

This Convention may be denounced on behalf of any Contracting Government at any time after the expiration of five years from the date on which the Convention comes into force in so far as that Government is concerned. Denunciation shall be effected by a notification in writing addressed to the Government of the United Kingdom of Great Britain and Northern Ireland, which will notify all the other contracting Governments of all denunciations received and of the date of their receipt.

A denunciation shall take effect twelve months after the date on which notification thereof is received by the Government of the United Kingdom of Great Britain and Northern Ireland.

FINAL PROTOCOL.

At the moment of signing the International Load Line Convention concluded this day, the under-mentioned Plenipotentiaries have agreed on the following :—

I.

Ships engaged solely on voyages on the Great Lakes of North America and ships engaged in other inland waters are to be regarded as outside the scope of the Convention.

II.

This Convention is not applied to the existing ships of the United States of America and of France of the lumber schooner type propelled by power, with or without sails, or by sails alone.

III.

The Government of the United Kingdom of Great Britain and Northern Ireland shall convoke a Conference of the Contracting Governments of the countries to which tankers belong, upon request of the United States of America, at any time within the five-year period mentioned in Article 20, for the purpose of discussing matters relating to tanker freeboard.

The Contracting Governments will not raise any objection to the provisions contained in this Convention in regard to tanker load line being altered as may be determined at such Conference, provided that the conclusions then reached are communicated forthwith to the Governments signatory to the present Convention and that no objection is received by the Government of the United Kingdom of Great Britain and Northern Ireland within six months of the despatch of such communication.

In witness whereof the Plenipotentiaries have drawn up this Final Protocol which shall have the same force and the same validity as if the provisions thereof had been inserted in the text of the Convention to which it belongs.

Done at London this fifth day of July, 1930, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified true copies thereof to all signatory Governments.

ANNEX I.

RULES FOR DETERMINING MAXIMUM LOAD LINES OF MERCHANT SHIPS.

PART I.—GENERAL.

The Rules necessarily assume that the nature and stowage of the cargo, ballast, &c., are such as to secure sufficient stability for the ship.

RULE I.

Definitions.

Steamer.—The term "steamer" includes all ships having sufficient means for mechanical propulsion, except where provided with sufficient sail area for navigation under sails alone.

A ship fitted with mechanical means of propulsion and with sail area insufficient for navigation under sails alone may be assigned a load line under Part III of these Rules.

A lighter, barge or other ship without independent means of propulsion, when towed, is to be assigned a load line under Part III of these Rules.

Sailing Ship.—The term "sailing ship" includes all ships provided with sufficient sail area for navigation under sails alone, whether or not fitted with mechanical means of propulsion.

Flush Deck Ship.—A flush deck ship is one which has no superstructure on the freeboard deck.

Superstructure.—A superstructure is a decked structure on the freeboard deck extending from side to side of the ship. A raised quarter deck is considered a superstructure.

2ND SCH. —*cont.*

Freeboard.—The freeboard assigned is the distance measured vertically downwards at the side of the ship amidships from the upper edge of the deck line to the upper edge of the load line mark.

Freeboard Deck.—The freeboard deck is the deck from which the freeboard is measured, and is the uppermost complete deck having permanent means of closing all openings in weather portions of the deck in accordance with Rules VIII to XVI. It is the upper deck in flush deck ships and ships with detached superstructures.

In ships having discontinuous freeboard decks within superstructures which are not intact, or which are not fitted with Class 1 closing appliances, the lowest line of the deck below the superstructure deck is taken as the freeboard deck.

Amidships.—Amidships is the middle of the length of the summer load water-line, as defined in Rule XXXII.

RULE II.

Deck Line.

The deck line is a horizontal line twelve inches in length and one inch in breadth. It is to be marked amidships on each side of the ship, and its upper edge is to pass through the point where the continuation outwards of the upper surface of the freeboard deck intersects the outer surface of the shell. (See figure 1.) Where the deck is partly sheathed amidships, the upper edge of the deck line is to pass through the point where the continuation outwards of the upper surface of the actual sheathing at amidships intersects the outer surface of the shell.

RULE III.

Load Line Disc.

The load line disc is twelve inches in diameter and is intersected by a horizontal line eighteen inches in length and one inch in breadth, the upper edge of which passes through the centre of the disc. The disc is to be marked amidships below the deck line.

RULE IV.

Lines to be used in connection with the Disc.

The lines which indicate the maximum load line in different circumstances and in different seasons (see Annex II) are to be horizontal lines, nine inches in length and one inch in breadth, which extend from, and are at right angles to, a vertical line marked 21 inches forward of the centre of the disc (see figure 1).

The following are the lines to be used :—

Summer Load Line.—The Summer load line is indicated by the upper edge of the line which passes through the centre of the disc and also by a line marked S.

2ND SCH.
—*cont.*

Winter Load Line.—The Winter load line is indicated by the upper edge of a line marked W.

Winter North Atlantic Load Line.—The Winter North Atlantic load line is indicated by the upper edge of a line marked WNA.

Tropical Load Line.—The Tropical Load Line is indicated by the upper edge of a line marked T.

Fresh Water Load Lines.—The Fresh Water load line in Summer is indicated by the upper edge of a line marked F. The difference between the Fresh Water load line in summer and the Summer load line is the allowance to be made for loading in Fresh Water at the other load lines. The Tropical Fresh Water load line is indicated by the upper edge of a line marked T.F.*

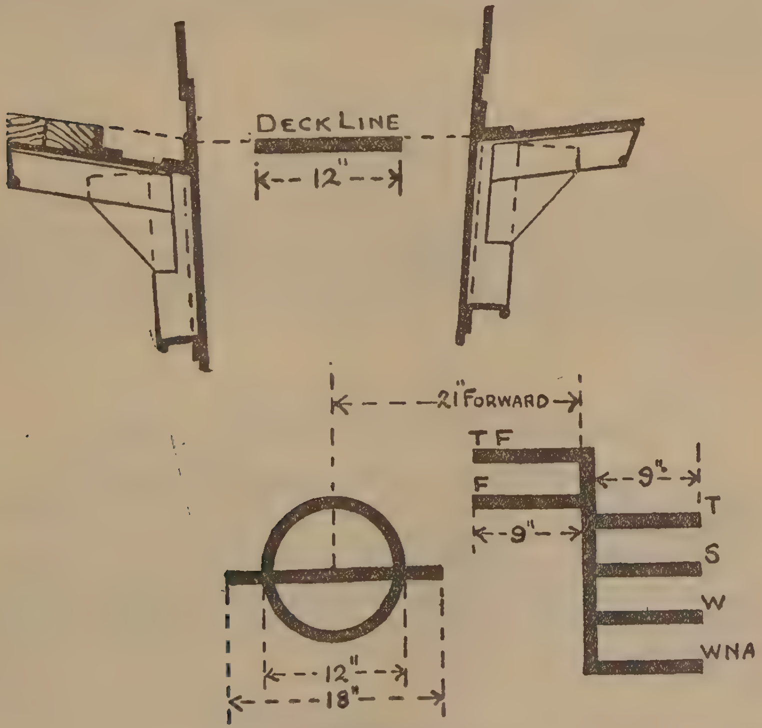

FIGURE 1.

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* Where sea-going steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, &c., required for consumption between the point of departure and the open sea.

2ND SCH. —*cont.*

RULE V.

Mark of Assigning Authority.

The Authority by whom the load lines are assigned may be indicated by letters measuring about 4½ inches by 3 inches marked alongside the disc and above the centre line.

RULE VI.

Details of Marking.

The disc, lines and letters are to be painted in white or yellow on a dark ground or in black on a light ground. They are also to be carefully cut in or centre-punched on the sides of iron and steel ships, and on wood ships they are to be cut into the planking for at least one-eighth of an inch. The marks are to be plainly visible, and, if necessary, special arrangements are to be made for this purpose.

RULE VII.

Verification of Marks.

The International Load Line Certificate is not to be delivered to the ship until a surveyor of the Assigning Authority (acting under the provisions of Article 9 of this Convention) has certified that the marks are correctly and permanently indicated on the ship's sides.

PART II.

CONDITIONS OF ASSIGNMENT OF LOAD LINES.

The assignment of load lines is conditional upon the ship being structurally efficient and upon the provision of effective protection to ship and crew.

Rules VIII to XXXI apply to ships to which minimum freeboards are assigned. In ships to which greater freeboards than the minimum are assigned, the protection is to be relatively as effective.

Openings in Freeboard and Superstructure Decks.

RULE VIII.

Cargo and other Hatchways not protected by Superstructures.

The construction and fitting of cargo and other hatchways in exposed positions on freeboard and superstructure decks are to be at least equivalent to the standards laid down in Rules IX to XVI.

2ND SCH. —*cont.*

RULE IX.

Hatchway Coamings.

The height of hatchway coamings on freeboard decks is to be at least 24 inches above the deck. The height of coamings on superstructure decks is to be at least 24 inches above the deck if situated within a quarter of the ship's length from the stem, and at least 18 inches if situated elsewhere.

Coamings are to be of steel, are to be substantially constructed and, where required to be 24 inches high, are to be fitted with an efficient horizontal stiffener placed not lower than 10 inches below the upper edge, and fitted with efficient brackets or stays from the stiffener to the deck, at intervals of not more than 10 feet. Where end coamings are protected, these requirements may be modified.

RULE X.

Hatchway Covers.

Covers to exposed hatchways are to be efficient, and where they are made of wood, the finished thickness is to be at least $2\frac{3}{8}$ inches in association with a span of not more than 5 feet. The width of each bearing surface for these hatchway covers is to be at least $2\frac{1}{2}$ inches.

RULE XI.

Hatchway Beams and Fore-and-Afters.

Where wood hatchway covers are fitted the hatchway beams and fore-and-afters are to be of the scantlings and spacing given in Table 1 where coamings 24 inches high are required, and as given in Table 2 where coamings 18 inches high are required. Angle bar mountings on the upper edge are to extend continuously for the full length of each beam. Wood fore-and-afters are to be steel shod at all bearing surfaces.

2nd Sch. —*cont.*

Table 1.

(*Coamings 24 inches in height.*)

Hatchway Beams and Fore-and-Afters for Ships 200 feet or more in length.*

Hatchway Beams.

Breadth of Hatchway.	Mounting.	Beams with Fore-and-Afters.			Beams without Fore-and-Afters.	
		Spacing Centre to Centre.			Spacing Centre to Centre.	
		6′ 0″	8′ 0″	10′ 0″	4′ 0″	5′ 0″
	ins. ins. ins.	ins. ins.	ins. ins.	ins. ins.	ins. ins.	ins. ins.
10′ 0″	3 × 3 × ·40A	11 × ·30P	12 × ·32P	14 × ·34P	9 × ·46BP	10 × ·50BP
12′ 0″	3 × 3 × ·40A	12 × ·32P	14 × ·34P	17 × ·36P	11 × ·50BP	12 × ·50BP
14′ 0″	3 × 3 × ·42A	14 × ·34P	17 × ·36P	20 × ·38P	12 × ·50BP	12 × ·32P
16′ 0″	3½ × 3 × ·42A	16 × ·36P	19 × ·38P	22 × ·38P	12 × ·32P	14 × ·34P
18′ 0″	4 × 3 × ·44A	18 × ·36P	21 × ·38P	25 × ·40P	14 × ·34P	16 × ·36P
20′ 0″	4 × 3 × ·44A	20 × ·38P	24 × ·40P	28 × ·42P	15 × ·34P	18 × ·36P
22′ 0″	4½ × 3 × ·46A	22 × ·38P	26 × ·42P	30 × ·44P	16 × ·36P	19 × ·36P
24′ 0″	5 × 3½ × ·46A	23 × ·40P	28 × ·42P	32 × ·44P	17 × ·36P	20 × ·38P
26′ 0″	5½ × 3½ × ·48A	24 × ·40P	29 × ·42P	34 × ·46P	18 × ·36P	21 × ·38P
28′ 0″	6 × 3½ × ·50A	25 × ·40P	31 × ·44P	36 × ·48P	19 × ·38P	22 × ·38P
30′ 0″	6 × 3½ × ·52A	26 × ·42P	32 × ·44P	38 × ·48P	20 × ·38P	23 × ·40P

2nd Sch. —cont.

FORE-AND-AFTERS.

Length of Fore-and-Afters.	Mounting.	Bulb Plate. Centre Fore-and-Afters. Spacing Centre to Centre.			Bulb Angle. Side Fore-and-Afters. Spacing Centre to Centre.		
		3′ 0″	4′ 0″	5′ 0″	3′ 0″	4′ 0″	5′ 0″
	ins. ins. ins.	ins. ins.	ins. ins.	ins. ins.	ins. ins. ins.	ins. ins. ins.	ins. ins. ins.
6′ 0″	2½ × 2½ × ·36	6 × ·36	6½ × ·38	7 × ·38	6 × 3 × ·36	6½ × 3½ × ·38	7 × 3½ × ·38
8′ 0″	2½ × 2½ × ·38	7 × ·42	8 × ·44	9 × ·44	7 × 3½ × ·42	8 × 3 × ·44	9 × 3½ × ·44
10′ 0″	2½ × 2½ × ·40	8 × ·50	9½ × ·50	11 × ·50	8 × 3½ × ·50	9½ × 3½ × ·50	11 × 3½ × ·50

—	Wood Centre Fore-and-Afters. Spacing Centre to Centre.						Wood Side Fore-and-Afters. Spacing Centre to Centre.					
	3′ 0″		4′ 0″		5′ 0″		3′ 0″		4′ 0″		5′ 0″	
	D	B	D	B	D	B	D	B	D	B	D	B
	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.
6′ 0″	5½	7	6	7	6½	7	5½	5½	6	6	6½	6
8′ 0″	6½	7	7½	7	8	7	6½	6½	7½	7	8	7
10′ 0″	8	7	8½	8	9	9	8	7	8½	8	9	9

A = Plain angle. BP = Bulb plate. P = Plate. D = Depth. B = Breadth.

Depths for hatchway beams are at the middle of the length and are measured from the top mounting to the lower edge. Depths for fore-and-afters are measured from the under side of the hatch covers to the lower edge. Sizes for intermediate lengths and spacing are obtained by interpolation. Where plates are specified, two angles, of the size given for mountings, are to be fitted at the upper and at the lower part of the beam. Where bulb plates are specified, two angles, of the size given for mountings, are to be fitted at the upper part of the beam or fore-and-after. Where bulb angles are specified, one angle, of the size given for mountings, is to be fitted at the upper part of the section. Where the specified flanges of an angle are of different dimensions, the larger flange is to be horizontal.

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* In ships not exceeding 100 feet in length, the depths of beams which are formed of plates and angles may be 60 per cent. of the depths given above; the depths of beams and steel fore-and-afters formed of bulb angle or bulb plate section may be 80 per cent. of the depths given above; the thickness of plates, bulb angles and bulb plates should correspond to the thickness tabulated for the reduced depths with a minimum thickness of ·30 inch; the depths and breadths of wood fore-and-afters may be 80 per cent. of those given in the tables for side fore-and-afters, but the centre fore-and-afters must be not less than 6½ inches wide. In ships between 100 feet and 200 feet in length, the sizes of the beams and fore-and-afters are to be determined by linear interpolation.

2nd Sch.
—cont.

Table 2.

(*Coamings* 18 *inches in height.*)

Hatchway Beams and Fore-and-Afters for Ships 200 feet or more in length.*

Hatchway Beams.

Breadth of Hatchway.	Mounting.	Beams with Fore-and-Afters.			Beams without Fore-and-Afters.	
		Spacing Centre to Centre.			Spacing Centre to Centre.	
		6′ 0″	8′ 0″	10′ 0″	4′ 0″	5′ 0″
	ins. ins. ins	ins. ins.	ins. ins.	ins. ins.	ins. ins.	ins. ins.
10′ 0″	3 × 3 × ·40A	9½ × ·46BP	10½ × ·50BP	11½ × ·52BP	8 × ·40BP	9 × ·44BP
12′ 0″	3 × 3 × ·40A	11 × ·50BP	11 × ·30P	13 × ·34P	9 × ·44BP	10 × ·50BP
14′ 0″	3 × 3 × ·42A	11 × ·30P	13 × ·32P	15 × ·34P	10 × ·50BP	11½ × ·50BP
16′ 0″	3½ × 3 × ·42A	12 × ·32P	15 × ·34P	17 × ·36P	11 × ·30P	11 × ·30P
18′ 0″	4 × 3 × ·44A	14 × ·34P	17 × ·36P	19 × ·38P	11 × ·30P	12 × ·32P
20′ 0″	4 × 3 × ·44A	16 × ·36P	19 × ·38P	21 × ·38P	12 × ·32P	13 × ·34P
22′ 0″	4½ × 3 × ·46A	17 × ·36P	20 × ·38P	23 × ·40P	12½ × ·32P	14 × ·34P
24′ 0″	5 × 3½ × ·46A	18 × ·36P	21 × ·38P	25 × ·40P	13 × ·34P	14½ × ·34P
26′ 0″	5½ × 3½ × ·48A	19 × ·38P	22 × ·38P	26 × ·42P	13½ × ·34P	15 × ·34P
28′ 0″	6 × 3½ × ·50A	20 × ·38P	23 × ·40P	27 × ·42P	14 × ·34P	16 × ·36P
30′ 0″	6 × 3½ × ·52A	21 × ·38P	24 × ·40P	28 × ·42P	15 × ·34P	17 × ·36P

Fore-and-Afters.

Length of Fore-and-Afters.	Mounting.	Bulb Plate. Centre Fore-and-Afters. Spacing Centre to Centre.			Bulb Angle. Side Fore-and-Afters. Spacing Centre to Centre.		
		3′ 0″	4′ 0″	5′ 0″	3′ 0″	4′ 0″	5′ 0″
	ins. ins. ins.	ins. ins.	ins. ins.	ins. ins.	ins. ins. ins.	ins. ins. ins.	ins. ins. ins.
6′ 0″	2½ × 2½ × ·36	5 × ·34	5½ × ·34	6 × ·36	5 × 3 × ·34	5½ × 3 × ·34	6 × 3 × ·36
8′ 0″	2½ × 2½ × ·38	6 × ·38	7 × ·40	7½ × ·42	6 × 3 × ·38	7 × 3 × ·40	7½ × 3½ × ·42
10′ 0″	2½ × 2½ × ·40	7 × ·44	8 × ·46	9 × ·50	7 × 3 × ·44	8 × 3½ × ·46	9 × 3½ × ·50

—	Wood Centre Fore-and-Afters. Spacing Centre to Centre.						Wood Side Fore-and-Afters. Spacing Centre to Centre.					
	3′ 0″		4′ 0″		5′ 0″		3′ 0″		4′ 0″		5′ 0″	
	D	B	D	B	D	B	D	B	D	B	D	B
	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.	ins.
6′ 0″	5	7	5½	7	6	7	5	5	5½	5	6	5
8′ 0″	6	7	6½	7	7	7	6	5	6½	6	7	6
10′ 0″	7	7	7½	7	8	7	7	6	7½	7	8	7

A = Plain angle. BP = Bulb plate. P = Plate. D = Depth. B = Breadth.

Depths for hatchway beams are at the middle of the length and are measured from the top mounting to the lower edge. Depths for fore-and-afters are measured from the under side of the hatch covers to the lower edge. Sizes for intermediate lengths and spacing are obtained by interpolation. Where plates are specified, two angles, of the sizes given for mountings, are to be fitted at the upper and at the lower part of the beam. Where bulb plates are specified, two angles, of the size given for mountings, are to be fitted at the upper part of the beam or fore-and-after. Where bulb angles are specified, one angle, of the size given for mountings, is to be fitted at the upper part of the section. Where the specified flanges of an angle are of different dimensions, the larger flange is to be horizontal.

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* In ships not exceeding 100 feet in length, the depths of beams which are formed of plates and angles may be 60 per cent. of the depths given above; the depths of beams and steel fore-and-afters formed of bulb angle or bulb plate section may be 80 per cent. of the depths given above; the thickness of plates, bulb angles and bulb plates should correspond to the thickness tabulated for the reduced depths with a minimum thickness of ·30 inch; the depths and breadths of wood fore-and-afters may be 80 per cent. of those given in the tables for side fore-and-afters, but the centre fore-and-afters must be not less than 6½ inches wide. In ships between 100 feet and 200 feet in length, the sizes of the beams and fore-and-afters are to be determined by linear interpolation.

2nd Sch. —*cont.*

Rule XII.

Carriers or Sockets.

Carriers or sockets for hatchway beams and fore-and-afters are to be of steel at least ½ inch thick, and are to have a width of bearing surface of at least 3 inches.

Rule XIII.

Cleats.

Strong cleats at least 2½ inches wide are to be fitted at intervals of not more than 2 feet from centre to centre; the end cleats are to be placed not more than 6 inches from each corner of the hatchway.

Rule XIV.

Battens and Wedges.

Battens and wedges are to be efficient and in good condition.

Rule XV.

Tarpaulins.

At least two tarpaulins in good condition, thoroughly waterproofed and of ample strength, are to be provided for each hatchway in an exposed position on freeboard and superstructure decks. The material is to be guaranteed free from jute, and of the standard weight and quality laid down by each Administration.

Rule XVI.

Security of Hatchway Covers.

At all hatchways in exposed positions on freeboard and superstructure decks ring bolts or other fittings for lashings are to be provided.

Where the breadth of the hatchway exceeds 60 per cent. of the breadth of the deck in way of the hatchway, and the coamings are required to be 24 inches high, fittings for special lashings are to be provided for securing the hatchway covers after the tarpaulins are battened down.

Rule XVII.

Cargo and other Hatchways in the Freeboard Deck within Superstructures which are fitted with Closing Appliances less efficient than Class 1.

The construction and fitting of such hatchways are to be at least equivalent to the standards laid down in Rule XVIII.

Rule XVIII.

Hatchway Coamings and Closing Arrangements.

2nd Sch. —*cont.*

Cargo, coaling and other hatchways in the freeboard deck within superstructures which are fitted with Class 2 closing appliances are to have coamings at least 9 inches in height and closing arrangements as effective as those required for exposed cargo hatchways whose coamings are 18 inches high.

Where the closing appliances are less efficient than Class 2, the hatchways are to have coamings at least 18 inches in height, and are to have fittings and closing arrangements as effective as those required for exposed cargo hatchways.

Rule XIX.

Machinery Space Openings in Exposed Positions on Freeboard and Raised Quarter Decks.

Such openings are to be properly framed and efficiently enclosed by steel casings of ample strength, and where the casings are not protected by other structures their strength is to be specially considered. Doors in such casings are to be of steel, efficiently stiffened, permanently attached, and capable of being closed and secured from both sides. The sills of openings are to be at least 24 inches above the freeboard deck and at least 18 inches above the raised quarter deck.

Fiddley, funnel and ventilator coamings are to be as high above the deck as is reasonable and practicable. Fiddley openings are to have strong steel covers permanently attached in their proper positions.

Rule XX.

Machinery Space Openings in Exposed Positions on Superstructure Decks other than Raised Quarter Decks.

Such openings are to be properly framed and efficiently enclosed by strong steel casings. Doors in such cases are to be strongly constructed, permanently attached, and capable of being closed and secured from both sides. The sills of the openings are to be at least 15 inches above superstructure decks.

Fiddley, funnel and ventilator coamings are to be as high above the deck as is reasonable and practicable. Fiddley openings are to have strong steel covers permanently attached in their proper positions.

Rule XXI.

Machinery Space Openings in the Freeboard Deck within Superstructures which are fitted with Closing Appliances less efficient than Class 1.

Such openings are to be properly framed and efficiently enclosed by steel casings. Doors in such casings are to be

2nd Sch. —*cont.*

strongly constructed, permanently attached, and capable of being securely closed. The sills of the openings are to be at least 9 inches above the deck where the superstructures are closed by Class 2 closing appliances, and at least 15 inches above the deck where the closing appliances are less efficient than Class 2.

Rule XXII.

Flush Bunker Scuttles.

Flush bunker scuttles may be fitted in superstructure decks, and where so fitted are to be of iron or steel, of substantial construction, with screw or bayonet joints. Where a scuttle is not secured by hinges, a permanent chain attachment is to be provided. The position of flush bunker scuttles in small ships in special trades is to be dealt with by each Assigning Authority.

Rule XXIII.

Companionways.

Companionways in exposed positions on freeboard decks and on decks of enclosed superstructures are to be of substantial construction. The sills of the doorways are to be of the heights specified for hatchway coamings (see Rules IX and XVIII). The doors are to be strongly constructed and capable of being closed and secured from both sides. Where the companionway is situated within a quarter of the ship's length from the stem, it is to be of steel and riveted to the deck plating.

Rule XXIV.

Ventilators in Exposed Positions on Freeboard and Superstructure Decks.

Such ventilators to spaces below freeboard decks or decks of superstructures which are intact or fitted with Class 1 closing appliances are to have coamings of steel, substantially constructed, and efficiently connected to the deck by rivets spaced four diameters apart centre to centre, or by equally effective means. The deck plating at the base of the coaming is to be efficiently stiffened between the deck beams. The ventilator openings are to be provided with efficient closing arrangements.

Where such ventilators are situated on the freeboard deck, or on the superstructure deck within a quarter of the ship's length from the stem, and the closing arrangements are of a temporary character, the coamings are to be at least 36 inches in height; in other exposed positions on the superstructure deck they are to be at least 30 inches in height. Where the coaming of any ventilator exceeds 36 inches in height, it is to be specially supported and secured.

RULE XXV.

2nd Sch. —cont.

Air Pipes.

Where the air pipes to ballast and other tanks extend above freeboard or superstructure decks, the exposed parts of the pipes are to be of substantial construction; the height from the deck to the opening is to be at least 36 inches in wells on freeboard decks, 30 inches on raised quarter decks, and 18 inches on other superstructure decks. Satisfactory means are to be provided for closing the openings of the air pipes.

Openings in the Sides of Ships.

RULE XXVI.

Gangway, Cargo and Coaling Ports, &c.

Openings in the sides of ships below the freeboard deck are to be fitted with watertight doors or covers which, with their securing appliances, are to be of sufficient strength.

RULE XXVII.

Scuppers and Sanitary Discharge Pipes.

Discharges led through the ship's sides from spaces below the freeboard deck are to be fitted with efficient and accessible means for preventing water from passing inboard. Each separate discharge may have an automatic non-return valve with a positive means of closing it from a position above the freeboard deck, or two automatic non-return valves without positive means of closing, provided the upper valve is situated so that it is always accessible for examination under service conditions. The positive action valve is to be readily accessible and is to be provided with means for showing whether the valve is open or closed. Cast iron is not to be accepted for such valves where attached to the sides of the ship.

Conditional upon the type and the location of the inboard ends of such openings, similar provisions may be prescribed by the Assigning Authority as to discharges from spaces within enclosed superstructures.

Where scuppers are fitted in superstructures not fitted with Class 1 closing appliances they are to have efficient means for preventing the accidental admission of water below the freeboard deck.

RULE XXVIII.

Side Scuttles.

Side scuttles to spaces below the freeboard deck or to spaces below the superstructure deck of superstructures closed by

Class 1 or Class 2 closing appliances are to be fitted with efficient inside deadlights permanently attached in their proper positions so that they can be effectively closed and secured watertight.

Where, however, such spaces in superstructures are appropriated to passengers other than steerage passengers or to crew, the side scuttles may have portable deadlights stowed adjacent to the side scuttles, provided they are readily accessible at all times on service.

The side scuttles and deadlights are to be of substantial and approved construction.

RULE XXIX.

Guard Rails.

Efficient guard rails or bulwarks are to be fitted on all exposed portions of freeboard and superstructure decks.

RULE XXX.

Freeing Ports.

Where bulwarks on the weather portions of freeboard or superstructure decks form " wells," ample provision is to be made for rapidly freeing the decks of water and for draining them. The minimum freeing port area on each side of the ship for each well on the freeboard deck and on the raised quarter-deck is to be that given by the following scale; the minimum area for each well on any other superstructure deck is to be one-half the area given by the scale. Where the length of the well exceeds ·7 L, the scale may be modified.

SCALE OF FREEING PORT AREA.

Length of Bulwarks in " Well " in Feet.	Freeing Port Area on each side in Square Feet.
15	8·0
20	8·5
25	9·0
30	9·5
35	10·0
40	10·5
45	11·0
50	11·5
55	12·0
60	12·5
65	13·0
Above 65	1 square foot for each additional 5 feet length of bulwark.

The lower edges of the freeing ports are to be as near the deck as practicable and preferably not higher than the upper edge of the gunwale bar. Two-thirds of the freeing port area required is to be provided in the midship half of the well. In ships with less than the standard sheer the freeing port area is to be suitably increased.

All such openings in the bulwarks are to be protected by rails or bars spaced about 9 inches apart. If shutters are fitted to freeing ports, ample clearance is to be provided to prevent jamming. Hinges are to have brass pins.

RULE XXXI.

Protection of Crew.

Gangways, lifelines or other satisfactory means are to be provided for the protection of the crew in getting to and from their quarters. The strength of houses for the accommodation of crew on flush deck steamers is to be equivalent to that required for superstructure bulkheads.

PART III.—LOAD LINE FOR STEAMERS.

RULE XXXII.

Length (L).

The length used with the Rules and Freeboard Table is the length in feet on the summer load water-line from the foreside of the stem to the afterside of the rudder post. Where there is no rudder post, the length is measured from the foreside of the stem to the axis of the rudder stock. For ships with cruiser sterns, the length is to be taken as 96 per cent. of the total length on the designed summer load water-line or as the length from the fore side of the stem to the axis of the rudder stock if that be the greater.

RULE XXXIII.

Breadth (B).

The breadth is the maximum breadth in feet amidships to the moulded line of the frame in iron or steel ships, and to the outside of the planking in wood or composite ships.

2nd Sch. —*cont.*

Rule XXXIV.

Moulded Depth.

The moulded depth is the vertical distance in feet, measured amidships, from the top of the keel to the top of the freeboard deck beam at side. In wood and composite ships the distance is measured from the lower edge of the keel rabbet. Where the form at the lower part of the midship section is of a hollow character, or where thick garboards are fitted, the depth is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

Rule XXXV.

Depth for Freeboard (D).

The depth used with the Freeboard Table is the moulded depth plus the thickness of stringer plate, or plus $\frac{T(L-S)}{L}$ if that be greater, where—

T is the mean thickness of the exposed deck clear of deck openings, and

S is the total length of superstructures as defined in Rule XL.

Where the topsides are of unusual form, D is the depth of a midship section having vertical topsides, standard round of beam and area of topside section equal to that in the actual midship section. Where there is a step or break in the topsides (*e.g.*, as in the Turret Deck ship) 70 per cent. of the area above the step or break is included in the area used to determine the equivalent section.

In a ship without an enclosed superstructure covering at least ·6 L amidships, without a complete trunk or without a combination of intact partial superstructures and trunk extending all fore and aft, where D is less than $\frac{L}{15}$, the depth used with the Table is not to be taken as less than $\frac{L}{15}$.

Rule XXXVI

Coefficient of Fineness (c).

The coefficient of fineness used with the Freeboard Table is given by—

$$c = \frac{35\Delta}{L.B.d_1},$$

where Δ is the ship's moulded displacement in tons (excluding bossing) at a mean moulded draught d_1 which is 85 per cent. of the moulded depth. 2nd Sch. —*cont.*

The coefficient c is not to be taken as less than ·68.

Rule XXXVII.

Strength.

The Assigning Authority is to be satisfied with the structural strength of ships to which freeboards are assigned.

Ships which comply with the highest standard of the rules of a Classification Society recognised by the Administration, shall be regarded as having sufficient strength for the minimum freeboards allowed under the Rules.

Ships which do not comply with the highest standard of the rules of a Classification Society recognised by the Administration, shall be assigned such increased freeboards as shall be determined by the Assigning Authority, and for guidance the following strength moduli are formulated ;—

Material.—The strength moduli are based on the assumption that the structure is built of mild steel, manufactured by the open hearth process (acid or basic), and having a tensile strength of 26 to 32 tons per square inch, and an elongation of at least 16 per cent. on a length of 8 inches.

Strength Deck.—The strength deck is the uppermost deck which is incorporated into and forms an integral part of the longitudinal girder within the half-length amidships.

Depth to Strength Deck (Ds).—The depth to strength deck is the vertical distance in feet amidships from the top of the keel to the top of the strength deck beam at side.

Draught (d).—The draught is the vertical distance in feet amidships from the top of the keel to the centre of the disc.

Longitudinal Modulus.—The longitudinal modulus $\frac{I}{y}$ is the moment of inertia I of the midship section about the neutral axis divided by the distance y measured from the neutral axis to the top of the strength deck beam at side, calculated in way of openings but without deductions for rivet holes. Areas are measured in square inches and distances in feet.

Below the strength deck, all continuous longitudinal members other than such parts of under deck girders as are required entirely for supporting purposes, are included. Above the strength deck, the gunwale angle bar and the extension of the sheerstrake are the only members included.

2ND SCH. —*cont.*

The required longitudinal modulus for effective material is expressed by f.d.B., where f is the factor obtained from the following table :—

L.	f.	L.	f.
100	1·80	360	9·40
120	2·00	380	10·30
140	2·35	400	11·20
160	2·70	420	12·15
180	3·15	440	13·10
200	3·60	460	14·15
220	4·20	480	15·15
240	4·80	500	16·25
260	5·45	520	17·35
280	6·20	540	18·45
300	6·95	560	19·60
320	7·70	580	20·80
340	8·55	600	22·00

For intermediate lengths, the value of f is determined by interpolation.

This formula applies where L does not exceed 600 feet; B is between $\frac{L}{10} + 5$ and $\frac{L}{10} + 20$, both inclusive, and $\frac{L}{Ds}$ is between 10 and 13·5, both inclusive.

Frame.—For the purpose of the frame modulus, the frame is regarded as composed of a frame angle and a reverse angle each of the same size and thickness.

Frame Modulus.—The modulus $\frac{I}{y}$ of the midship frame below the lowest tier of beams is the moment of inertia I of the frame section about the neutral axis divided by the distance y measured from the neutral axis to the extremity of the frame section, calculated without deduction for rivet and bolt holes. The modulus is measured in inch units.

The required frame modulus is expressed by $\frac{s\ (d-t)\ (f_1+f_2)}{1,000}$, where—

s is the frame spacing in inches.

t is the vertical distance in feet measured at amidships from the top of the keel to a point midway between the top of the inner bottom at side and the top of the heel bracket (*see* Figure 2); where there is no double bottom, t is measured to a point midway between the top of the floor at centre and the top of the floor at side.

f_1 is a coefficient depending on H, which, in ships fitted with double bottoms, is the vertical distance in feet from the middle of the beam bracket of the lowest tier of beams at side to a point midway between the top of the inner bottom at side and the top of the heel bracket (*see* Figure 2). Where there is no double bottom, H is measured to a point midway between the top of the floor at centre and the top of the floor at side. Where the frame obtains additional strength from the form of the ship, due allowance is made in the value of f_1.

f_2 is a coefficient depending on K, which is the vertical distance in feet from the top of the lowest tier of beams at side to a point 7 feet 6 inches above the freeboard deck at side, or, if there is a superstructure, to a point 12 feet 6 inches above the freeboard deck at side (*see* Figure 2). The values of f_1 and f_2 are obtained from the following tables :—

H in feet -	0	7	9	11	13	15	17	19	21	23	25
f_1 - -	9	11	12·5	15	19	24	29·5	36	43	51	59

K in feet -	0	5	10	15	20	25	30	35	40
f_2 - -	0	0·5	1·0	2·0	3·0	4·5	6·5	9·0	12·0

Intermediate values are obtained by interpolation.

This formula applies where D is between 15 feet and 60 feet, both inclusive, B is between $\frac{L}{10} + 5$ and $\frac{L}{10} + 20$, both inclusive, $\frac{L}{Ds}$ is between 10 and 13·5, both inclusive; and the horizontal distance from the outside of the frame to the centre of the first row of pillars does not exceed 20 feet.

In single deck ships of ordinary form, where H does not exceed 18 feet, the frame modulus determined by the preceding method is multiplied by the factor f_3 where

$$f_3 = \cdot 50 + \cdot 05\,(H - 8).$$

Where the horizontal distance from the outside of the frame to the centre of the first row of pillars exceeds 20 feet, the Assigning Authority is to be satisfied that sufficient additional strength is provided.

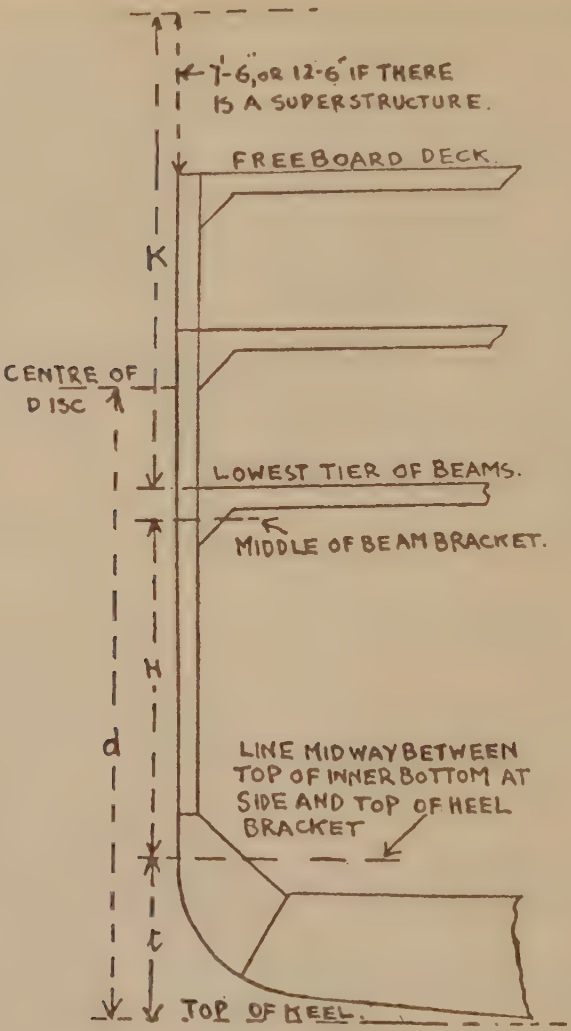
7'-6", or 12'-6" if there is a superstructure.
FREEBOARD DECK.
K
CENTRE OF DISC
LOWEST TIER OF BEAMS.
MIDDLE OF BEAM BRACKET.
H
d
LINE MIDWAY BETWEEN TOP OF INNER BOTTOM AT SIDE AND TOP OF HEEL BRACKET
t
TOP OF KEEL.

Figure 2.

Superstructures.

Rule XXXVIII.

Height of Superstructure.

The height of a superstructure is the least vertical height measured from the top of the superstructure deck to the top of the freeboard deck beams minus the difference between D and the moulded depth (*see* Rules XXXIV and XXXV).

Rule XXXIX

2nd Sch. —*cont.*

Standard Height of Superstructure.

The standard height of a raised quarter deck is 3 feet for ships up to and including 100 feet in length, 4 feet for ships 250 feet in length and 6 feet for ships 400 feet in length and above. The standard height of any other superstructure is 6 feet for ships up to and including 250 feet in length and 7 feet 6 inches for ships 400 feet in length and above. The standard height at intermediate lengths is obtained by interpolation.

Rule XL.

Length of Superstructure (S).

The length of a superstructure is the mean covered length of the parts of the superstructure which extend to the sides of the ship and lie within lines drawn perpendicular to the extremities of the Summer load water-line, as defined in Rule XXXII.

Rule XLI.

Enclosed Superstructure.

A detached superstructure is regarded as enclosed only where—

(*a*) the enclosing bulkheads are of efficient construction (*see* Rule XLII);

(*b*) the access openings in these bulkheads are fitted with Class 1 or Class 2 closing appliances (*see* Rules XLIII and XLIV);

(*c*) all other openings in sides or ends of the superstructure are fitted with efficient weathertight means of closing; and

(*d*) independent means of access to crew, machinery, bunker and other working spaces within bridges and poops are at all times available when the bulkhead openings are closed.

Rule XLII.

Superstructure Bulkheads.

Bulkheads at exposed ends of poops, bridges and forecastles are deemed to be of efficient construction where the Assigning Authority is satisfied that, in the circumstances, they are equivalent to the following standard for ships with minimum freeboards under which standard the stiffness and plating are of the scantlings given in Table 3, the stiffeners are spaced

2nd Sch. —*cont.*

30 inches apart, the stiffeners on poop and bridge front bulkheads have efficient end connections, and those on after bulkheads of bridges and forecastles extend for the whole distance between the margin angles of the bulkheads.

Table 3.

Exposed Bulkheads of Superstructures of Standard Height.

Bridge Front Bulkheads. Unprotected Bulkheads of Poops ·4 L or more in Length.		Bulkheads of Poops Partially Protected or less in Length than ·4 L.		After Bulkheads of Bridges and Forecastles.	
Length of Ship.	Bulb Angle Stiffeners.	Length of Ship.	Plain Angle Stiffeners.	Length of Ship.	Plain Angle Stiffeners.
Feet.	Inches.	Feet.	Inches.	Feet.	Inches.
Under 160	5½ × 3 × ·30	Under 150	3 × 2½ × ·30	Under 150	2½ × 2½ × ·26
160	6 × 3 × ·32	150	3½ × 2½ × ·32	150	3 × 2½ × ·28
200	6½ × 3 × ·34	200	4 × 3 × ·34	250	3½ × 3 × ·30
240	7 × 3 × ·36	250	4½ × 3 × ·36	350	4 × 3 × ·32
280	7½ × 3 × ·38	300	5 × 3 × ·38		
320	8 × 3 × ·40	350	5½ × 3 × ·42		
360	8½ × 3 × ·42	400	6 × 3 × ·44		
400	9 × 3 × ·44	450	6½ × 3½ × ·46		
440	9½ × 3½ × ·46	500	7 × 3½ × ·48		
480	10 × 3½ × ·48	550	7 × 3½ × ·50		
520	10½ × 3½ × ·50				
560	11 × 3½ × ·52				

Length of Ship.	Bulkhead Plating.	Length of Ship.	Bulkhead Plating.	Length of Ship.	Bulkhead Plating.
Feet.	Inch.	Feet.	Inch.	Feet.	Inch.
200 and under.	·3	160 and under.	·24	160 and under.	·20
380 and above.	·44	400 and above.	·38	400 and above.	·30

For ships intermediate in length the thicknesses of bulkhead plating are obtained by interpolation.

Appliances for Closing Access Openings in Bulkheads at ends of Detached Superstructures.

Rule XLIII.

Class 1 Closing Appliances.

These appliances are of iron and steel, are in all cases permanently and strongly attached to the bulkhead, are framed, stiffened and fitted so that the whole structure is of equivalent

2nd Sch. —*cont.*

strength to the unpierced bulkhead, and are weathertight when closed. The means for securing these appliances are permanently attached to the bulkhead or to the appliances and the latter are so arranged that they can be closed and secured from both sides of the bulkhead or from the deck above. The sills of the access openings are at least 15 inches above the deck.

Rule XLIV.

Class 2 Closing Appliances.

These appliances are (*a*) strongly framed hard wood hinged doors, which are not more than 30 inches wide nor less than 2 inches thick; or (*b*) shifting boards fitted for the full height of the opening in channels riveted to the bulkhead, the shifting boards being at least 2 inches thick where the width of opening is 30 inches or less, and increased in thickness at the rate of 1 inch for each additional 15 inches of width, or (*c*) portable plates of equal efficiency.

Temporary Appliances for Closing Openings in Superstructure Decks.

Rule XLV.

Temporary closing appliances for middle line openings in the deck of an enclosed superstructure consist of—

(*a*) a steel coaming not less than 9 inches in height efficiently riveted to the deck;

(*b*) hatchway covers as required by Rule X, secured by hemp lashings; and

(*c*) hatchway supports as required by Rules XI and XII and Table 1 or 2.

Effective Length of Detached Superstructures.

Rule XLVI.

General.

Where exposed bulkheads at the ends of poops, bridges, and forecastles are not of efficient construction (*see* Rule XLII) they are considered as non-existent.

Where in the side plating of a superstructure there is an opening not provided with permanent means of closing, the part of the superstructure in way of the opening is regarded as having no effective length.

2nd Sch. —*cont.*

Where the height of a superstructure is less than the standard its length is reduced in the ratio of the actual to the standard height. Where the height exceeds the standard, no increase is made in the length of the superstructure.

Rule XLVII.

Poop.

Where there is an efficient bulkhead and the access openings are fitted with Class 1 closing appliances, the length to the bulkhead is effective. Where the access openings in an efficient bulkhead are fitted with Class 2 closing appliances and the length to the bulkhead is ·5 L or less, 100 per cent. of that length is effective; where the length is ·7 L or more, 90 per cent. of that length is effective; where the length is between ·5 L and ·7 L, an intermediate percentage of that length is effective; where an allowance is given for an efficient adjacent trunk (*see* Rule LI), 90 per cent. of the length to the bulkhead is to be taken as effective. 50 per cent. of the length of an open poop or of an open extension beyond an efficient bulkhead is effective.

Rule XLVIII.

Raised Quarter Deck.

Where there is an efficient intact bulkhead, the length to the bulkhead is effective. Where the bulkhead is not intact, the superstructure is considered as a poop of less than standard height.

Rule XLIX.

Bridge.

Where there is an efficient bulkhead at each end, and the access openings in the bulkheads are fitted with Class 1 closing appliances, the length between the bulkheads is effective.

Where the access openings in the forward bulkhead are fitted with Class 1 closing appliances and the access openings in the after bulkhead with Class 2 closing appliances, the length between the bulkheads is effective; where an allowance is given for an efficient trunk, adjacent to the after bulkhead (*see* Rule LI), 90 per cent. of the length is effective. Where the access openings in both bulkheads are fitted with Class 2 closing appliances, 90 per cent. of the length between the bulkheads is effective. Where the access openings in the forward bulkhead are fitted with Class 1 or Class 2 closing appliances and the access openings in the after bulkhead have no closing appliances, 75 per cent.

2nd Sch. —*cont.*

of the length between the bulkheads is effective. Where the access openings in both bulkheads have no closing appliances, 50 per cent. of the length is effective. 75 per cent. of the length of an open extension beyond the after bulkhead, and 50 per cent. of that beyond the forward bulkhead, are effective.

Rule L.

Forecastle.

Where there is an efficient bulkhead and the access openings are fitted with Class 1 or Class 2 closing appliances, the length to the bulkhead is effective. Where no closing appliances are fitted and the sheer forward of amidships is not less than the standard sheer, 100 per cent. of the length of the forecastle forward of ·1 L from the forward perpendicular is effective; where the sheer forward is half the standard sheer or less, 50 per cent. of that length is effective; and where the sheer forward is intermediate between the standard and half the standard sheer, an intermediate percentage of that length is effective. 50 per cent. of the length of an open extension beyond the bulkhead or beyond ·1 L from the forward perpendicular is effective.

Rule LI.

Trunk.

A trunk or similar structure which does not extend to the sides of the ship is regarded as efficient provided that—

(*a*) the trunk is at least as strong as a superstructure;

(*b*) the hatchways are in the trunk deck, and comply with the requirements of Rules VIII to XVI, and the width of the trunk deck stringer provides a satisfactory gangway and sufficient lateral stiffness;

(*c*) a permanent working platform fore and aft fitted with guard rails is provided by the trunk deck, or by detached trunks connected to other superstructures by efficient permanent gangways;

(*d*) ventilators are protected by the trunk, by watertight covers or by equivalent means;

(*e*) open rails are fitted on the weather portions of the freeboard deck in way of the trunk for at least half their length;

(*f*) the machinery casings are protected by the trunk, by a superstructure of standard height, or by a deck house of the same height and of equivalent strength.

2nd Sch. —*cont.*

Where access openings in poop and bridge bulkheads are fitted with Class 1 closing appliances, 100 per cent. of the length of an efficient trunk reduced in the ratio of its mean breadth to B is added to the effective length of the superstructures. Where the access openings in these bulkheads are not fitted with Class 1 closing appliances 90 per cent. is added.

The standard height of a trunk is the standard height of a bridge.

Where the height of the trunk is less than the standard height of a bridge, the addition is reduced in the ratio of the actual to the standard height; where the height of hatchway coamings on the trunk deck is less than the standard height of coamings (*see* Rule IX), a reduction from the actual height of trunk is to be made which corresponds to the difference between the actual and the standard height of coamings.

Effective Length of Enclosed Superstructures with Middle Line Openings.

Rule LII.

Enclosed Superstructure with Middle Line Openings in the deck not Provided with Permanent Means of Closing.

Where there is an enclosed superstructure with one or more middle line openings in the deck not provided with permanent means of closing (*see* Rules VIII to XVI), the effective length of the superstructure is determined as follows:—

(1) Where efficient temporary closing appliances are not provided for the middle line deck openings (*see* Rule XLV), or the breadth of opening is 80 per cent. or more of the breadth B_1, of the superstructure deck at the middle of the opening, the ship is considered as having an open well in way of each opening, and freeing ports are to be provided in way of this well. The effective length of superstructure between openings is governed by Rules XLVII, XLIX, and L.

(2) Where efficient temporary closing appliances are provided for middle line deck openings and the breadth of opening is less than $\cdot 8\ B_1$, the effective length is governed by Rules XLVII, XLIX, and L, except that where access openings in 'tween deck bulkheads are closed by Class 2 closing appliances, they are regarded as being closed by Class 1 closing appliances in determining the effective length. The total effective length is obtained by

adding to the length determined by (1) the difference between this length and the length of the ship modified in the ratio of—

$\frac{B_1 - b}{B_1}$ where b = breadth of deck opening;

where $\frac{B_1 - b}{B_1}$ is greater than ·5 it is taken as ·5.

Deductions for Superstructures.

Rule LIII.

Deductions for Superstructures.

Where the effective length of superstructures is 1·0 L, the deduction from the freeboard is 14 inches at 80 feet length of ship, 34 inches at 280 feet length, and 42 inches at 400 feet length and above; deductions at intermediate lengths are obtained by interpolation. Where the total effective length of superstructures is less than 1·0 L the deduction is a percentage obtained from the following Table :—

2nd Sch.
—*cont.*

Superstructures.	Total Effective Length of Superstructure (E).											Line.
	0.	·1 L.	·2 L.	·3 L.	·4 L.	·5 L.	·6 L.	·7 L.	·8 L.	·9 L.	1·0 L.	
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	
All types with forecastle and without detached bridge	0	5	10	15	23·5	32	46	63	75·3	87·7	100	A
All types with forecastle and detached bridge*	0	6·3	12·7	19	27·5	36	46	63	75·3	87·7	100	B

* Where the effective length of a detached bridge is less than ·2 L the percentages are obtained by interpolation between lines B and A.

Where no forecastle is fitted the above percentages are reduced by 5.

Percentages for intermediate lengths of superstructures are obtained by interpolation.

Sheer.

2nd Sch.
—*cont.*

Rule LIV.

General.

The sheer is measured from the deck at side to a line of reference drawn parallel to the keel through the sheer line at amidships.

In ships designed to trim by the stern in service, the sheer may be measured in relation to the load line, provided an additional mark is placed at ·25 L forward of amidships, to indicate the assigned load line. This mark is to be similar to the load line disc amidships.

In flush deck ships and in ships with detached superstructures the sheer is measured at the freeboard deck.

In ships with topsides of unusual form in which there is a step or break in the topsides, the sheer is considered in relation to the equivalent depth amidships (*see* Rule XXXV).

In ships with a superstructure of standard height which extends over the whole length of the freeboard deck, the sheer is measured at the superstructure deck; where the height exceeds the standard, the sheer may be considered in relation to the standard height.

Where a superstructure is intact or access openings in its enclosing bulkheads are fitted with Class 1 closing appliances, and the superstructure deck has at least the same sheer as the exposed freeboard deck, the sheer of the enclosed portion of the freeboard deck is not taken into account.

Rule LV.

Standard Sheer Profile.

The ordinates (in inches) of the standard sheer profile are given in the following Table, where L is the number of feet in the length of the ship :—

Station.	Ordinate.	Factor.
A.P.	·1 L + 10	1
1/6 L from A.P....	·0445 L + 4·45	4
1/3 L from A.P....	·011 L + 1·1	2
Amidships	0	4
1/3 L from F.P....	·022 L + 2·2	2
1/6 L from F.P....	·089 L + 8·9	4
F.P.	·2 L + 20	1

A.P. = After end of Summer load water-line. F.P. = Fore end of Summer load water-line.

2ND SCH. —*cont.*

RULE LVI.

Measurement of Variations from Standard Sheer Profile.

Where the sheer profile differs from the standard, the seven ordinates of each profile are multiplied by the appropriate factors given in the table of ordinates. The difference between the sums of the respective products, divided by 18, measures the deficiency or excess of sheer. Where the after half of the sheer profile is greater than the standard and the forward half is less than the standard, no credit is allowed for the part in excess and the deficiency only is measured.

Where the forward half of the sheer profile exceeds the standard, and the after portion of the sheer profile is not less than 75 per cent. of the standard, credit is allowed for the part in excess; where the after part is less than 50 per cent. of the standard no credit is given for the excess sheer forward. Where the after sheer is between 50 per cent. and 75 per cent. of the standard, intermediate allowances may be granted for excess sheer forward.

RULE LVII.

Correction for Variations from Standard Sheer Profile.

The correction for sheer is the deficiency or excess of sheer (*see* Rule LVI), multiplied by $\cdot 75 - \frac{S}{2L}$, where S is the total length of superstructure, as defined in Rule XL.

RULE LVIII.

Addition for Deficiency in Sheer.

Where the sheer is less than the standard, the correction for deficiency in sheer (*see* Rule LVII) is added to the freeboard.

RULE LIX.

Deduction for Excess Sheer.

In flush deck ships and in ships where an enclosed superstructure covers ·1 L before and ·1 L abaft amidships, the correction for excess of sheer (*see* Rule LVII) is deducted from the freeboard; in ships with detached superstructures where no enclosed superstructure covers amidships, no deduction is made from the freeboard; where an enclosed superstructure covers less than ·1 L before and ·1 L abaft amidships, the deduction is obtained by interpolation. The maximum deduction for excess sheer is 1½ inches at 100 feet and increases at the rate of 1½ inches for each additional 100 feet in the length of the ship.

Round of Beam.

RULE LX.

Standard Round of Beam.

The standard round of beam of the freeboard deck is one-fiftieth of the breadth of the ship.

Rule LXI.

Round of Beam Correction.

Where the round of beam of the freeboard deck is greater or less than the standard, the freeboard is decreased or increased respectively by one-fourth of the difference between the actual and the standard round of beam, multiplied by the proportion of the length of the freeboard deck not covered by enclosed superstructures. Twice the standard round of beam is the maximum for which allowance is given.

Minimum Freeboards.

Rule LXII.

Summer Freeboard.

The minimum freeboard in Summer is the freeboard derived from the Freeboard Table after corrections for departures from the standards and after deduction for superstructures.

The freeboard in salt water measured from the intersection of the upper surface of the freeboard deck with the outer surface of the shell is not to be less than 2 inches.

Rule LXIII.

Tropical Freeboard.

The minimum freeboard in the Tropical Zone is the freeboard obtained by a deduction from the Summer freeboard of ¼ inch per foot of Summer draught measured from the top of the keel to the centre of the disc.

The freeboard in salt water measured from the intersection of the upper surface of the freeboard deck with the outer surface of the shell is not to be less than 2 inches.

Rule LXIV.

Winter Freeboard.

The minimum freeboard in Winter is the freeboard obtained by an addition to the Summer freeboard of ¼ inch per foot of Summer draught, measured from the top of the keel to the centre of the disc.

Rule LXV.

Winter North Atlantic Freeboard.

The minimum freeboard for ships not exceeding 330 feet in length on voyages across the North Atlantic, North of latitude 36° N., during the winter months, is the Winter freeboard plus two inches; for ships over 330 feet in length it is the Winter freeboard.

2ND SCH.
—*cont.*

RULE LXVI.

Fresh Water Freeboard.

The minimum freeboard in fresh water of unit density is the freeboard obtained by deducting from the minimum freeboard in salt water $\frac{\Delta}{40\,T}$ inches, where

Δ = displacement in salt water in tons at the Summer load water-line, and

T = tons per inch immersion in salt water at the Summer load water-line.

Where the displacement at the Summer load water-line cannot be certified, the deduction is to be $\frac{1}{4}$ inch per foot of Summer draught measured from the top of the keel to the centre of the disc.

RULE LXVII.

Freeboard Table for Steamers.

BASIC Minimum Summer Freeboards for Steamers which Comply with the Standards Laid Down in the Rules.

L.	Free-board.	L.	Free-board.	L.	Free-board.	L.	Free-board.
(Feet)	(Inches)	(Feet)	(Inches)	(Feet)	(Inches)	(Feet)	(Inches)
80	8·0	250	32·3	420	77·8	590	127·0
90	9·0	260	34·4	430	80·9	600	129·5
100	10·0	270	36·5	440	84·0	610	132·0
110	11·0	280	38·7	450	87·1	620	134·4
120	12·0	290	41·0	460	90·2	630	136·8
130	13·0	300	43·4	470	93·3	640	139·1
140	14·2	310	45·9	480	96·3	650	141·4
150	15·5	320	48·4	490	99·3	660	143·7
160	16·9	330	51·0	500	102·3	670	145·9
170	18·3	340	53·7	510	105·2	680	148·1
180	19·8	350	56·5	520	108·1	690	150·2
190	21·4	360	59·4	530	110·9	700	152·3
200	23·1	370	62·4	540	113·7	710	154·4
210	24·8	380	65·4	550	116·4	720	156·4
220	26·6	390	68·4	560	119·1	730	158·5
230	28·5	400	71·5	570	121·8	740	160·5
240	30·3	410	74·6	580	124·4	750	162·5

(i) The minimum freeboards for flush deck steamers are obtained by an addition to the above Table at the rate of $1\frac{1}{2}$ inches for every 100 feet of length.

(ii) The freeboards at intermediate lengths are obtained by interpolation.

(iii) Where c exceeds ·68, the freeboard is multiplied by the factor $\frac{c + \cdot 68}{1 \cdot 36}$.

2nd Sch. —*cont.*

(iv) Where D exceeds $\frac{L}{15}$ the freeboard is increased by $\left\{D - \frac{L}{15}\right\}$ R inches, where R is $\frac{L}{130}$ at lengths less than 390 feet, and 3 at 390 feet length and above.

In a ship with an enclosed superstructure covering at least ·6 L amidships, with a complete trunk, or with a combination of intact partial superstructures and trunk which extends all fore and aft, where D is less than $\frac{L}{15}$, the freeboard is reduced at the above rate. Where the height of superstructures or trunk is less than the standard height, the reduction is in the ratio of the actual to the standard height.

(v) Where the actual depth to the surface of the freeboard deck amidships is greater or less than D, the difference between the depths (in inches) is added to or deducted from the freeboard.

PART IV.

LOAD LINES FOR SAILING SHIPS.

RULE LXVIII.

Lines to be Used in Connection with the Disc.

Winter and Tropical load lines are not marked on sailing ships. The maximum load line to which sailing ships may be laden in salt water in Winter and in the Tropical Zone is the centre of the disc (*see* Figure 3).

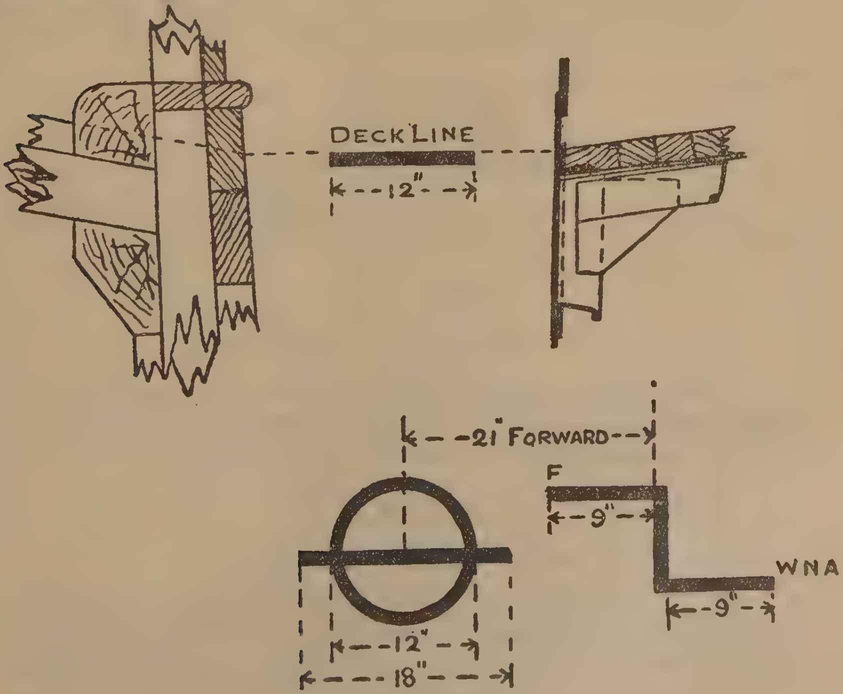

FIGURE 3.

2ND SCH. —*cont.*

RULE LXIX.

Conditions of Assignment of Load Line.

The conditions of assignment are those contained in Part II of these Rules.

RULE LXX.

Computation of Freeboard.

Freeboards are computed from the Freeboard Table for Sailing Ships in the same manner as the freeboards for steamers are computed from the Freeboard Table for Steamers, except as follows:—

RULE LXXI.

Depth for Freeboard (D).

In sailing ships having a greater rate of rise of floor than $1\frac{1}{2}$ inches per foot, the vertical distance from the top of keel (Rule XXXIV), is reduced by half the difference between the total rise of floor at the half-breadth of the ship and the total rise at $1\frac{1}{2}$ inches per foot. $2\frac{1}{2}$ inches per foot of half-breadth is the maximum rate of rise for which a deduction is made.

Where the form at the lower part of the midship section is of a hollow character, or thick garboards are fitted, the depth is measured from the point where the line of the flat of the bottom continued inwards cuts the side of the keel.

The depth used with the Freeboard Table is to be taken as not less than $\frac{L}{12}$.

RULE LXXII.

Coefficient of Fineness (c).

The coefficient used with the Freeboard Table is to be taken as not less than ·62 and not greater than ·72.

RULE LXXIII.

Superstructures in Wood Ships.

In wood ships the construction and closing arrangements of superstructures for which deductions are made from the freeboard are to be to the satisfaction of the Assigning Authority.

RULE LXXIV.

Deductions for Superstructures.

Where the effective length of superstructures is 1·0 L, the deduction from the freeboard is 3 inches at 80 feet length of ship, and 28 inches at 330 feet length and above; deductions at intermediate lengths are obtained by interpolation. Where the total

2nd Sch.
—*cont.*

effective length of superstructures is less than 1·0 L, the deduction is a percentage obtained from the following Table :—

Type of Superstructures.	Total Effective Length of Superstructures (E).											Line.
	0	·1 L	·2 L	·3 L	·4 L	·5 L	·6 L	·7 L	·8 L	·9 L	1·0 L	
	%	%	%	%	%	%	%	%	%	%	%	
All types without Bridge ...	0	7	13	17	23·5	30	47½	70	80	90	100	A
All types with Bridge* ...	0	7	14·7	22	32	42	56	70	80	90	100	B

* Where the effective length of Bridge is less than ·2 L, the percentages are obtained by interpolation between lines B and A. Percentages for intermediate lengths of superstructures are obtained by interpolation.

Rule LXXV.

Minimum Freeboards.

No addition to the freeboard is required for Winter freeboard, nor is a deduction permitted for Tropical freeboard.

An increase in freeboard of 3 inches is made for voyages across the North Atlantic North of latitude 36° N. during the winter months.

In computing the fresh water freeboard for a wood ship, the draught is measured from the lower edge of the rabbet of keel to the centre of the disc.

Rule LXXVI.

Freeboard Table for Sailing Ships.

Minimum Summer, Winter, and Tropical Freeboards for Iron and Steel Flush Deck Sailing Ships, which comply with the Standards laid down in the Rules.

L.	Freeboard.	L.	Freeboard.	L.	Freeboard.	L.	Freeboard
Feet.	Inches.	Feet.	Inches.	Feet.	Inches.	Feet.	Inches.
80	9·2	140	21·3	200	35·4	270	53·5
90	11·0	150	23·5	210	37·9	280	56·3
100	12·9	160	25·8	220	40·4	290	59·1
110	14·9	170	28·2	230	42·9	300	61·9
120	17·0	180	30·6	240	45·5	310	64·7
130	19·1	190	33·0	250	48·1	320	67·6
				260	50·8	330	70·5

(i) The freeboards at intermediate lengths are obtained by interpolation.

2ND SCH —*cont.*

(ii) Where c exceeds ·62, the freeboard is multiplied by the factor $\frac{c + \cdot 62}{1 \cdot 24}$.

(iii) Where D exceeds $\frac{L}{12}$ the freeboard is increased by

$$\left\{D - \frac{L}{12}\right\} \times \left\{1 + \frac{L}{250}\right\} \text{inches.}$$

(iv) Where the actual depth to the surface of the freeboard deck amidships is greater or less than D, the difference between the depths (in inches) is added to or deducted from the freeboard.

RULE LXXVII.

Freeboard for Wood Sailing Ships.

The freeboard for a wood sailing ship is the final freeboard the ship would obtain if she were of iron and steel, with the addition of such penalties as the Assigning Authority may determine, having regard to the classification, construction, age and condition of the ship.

Wood ships of primitive build such as dhows, junks, prahus, &c., are to be dealt with by the Administration so far as is reasonable and practicable under the Rules for Sailing Ships.

PART V.

LOAD LINES FOR STEAMERS CARRYING TIMBER DECK CARGOES.

Definitions.

Timber Deck Cargo.—The term " timber deck cargo " means a cargo of timber carried on an uncovered part of a freeboard or superstructure deck. The term does not include wood pulp or similar cargo.

Timber Load Line.—A timber load line is a special load line to be used only when the ship is carrying a timber deck cargo in compliance with the following conditions and regulations :—

RULE LXXVIII.

Marks on the Ship's Sides.

Timber Load Lines.—The lines which indicate the maximum timber load lines in different circumstances and at different seasons are to be horizontal lines, 9 inches in length and 1 inch in breadth, which extend from, and are at right angles to, a vertical line marked 21 inches abaft the centre of the disc (*see* Figure 4). They are to be marked and verified similarly to the ordinary load lines (*see* Rules V to VII).

2nd Sch.
—*cont.*

The Summer Timber Load Line is indicated by the upper edge of a line marked LS.

The Winter Timber Load Line is indicated by the upper edge of a line marked LW.

The Winter North Atlantic Timber Load Line is indicated by the upper edge of a line marked LWNA.

The Tropical Timber Load Line is indicated by the upper edge of a line marked LT.

The Fresh Water Timber Load Line in Summer is indicated by the upper edge of a line marked LF. The difference between the Fresh Water Timber load line in Summer and the Summer Timber load line is the allowance to be made for loading in fresh water at the other Timber load lines. The Fresh Water Timber load line in the Tropical Zone is indicated by the upper edge of a line marked LTF.*

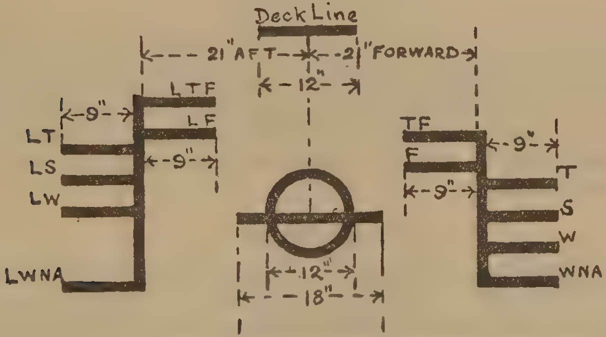

FIGURE 4.

Supplementary Conditions of Assignment and Regulations for Deeper Loading.

RULE LXXIX.

Construction of Ship.

The structure of the ship is to be of sufficient strength for the deeper draught allowed and for the weight of the deck cargo.

RULE LXXX.

Superstructures.

The ship is to have a forecastle of at least standard height and at least 7 per cent. of the length of the ship, and, in addition, a poop, or a raised quarter deck with a strong steel hood or deck house fitted aft.

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* Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, &c., required for consumption between the point of departure and the open sea.

2ND SCH.
—*cont.*

RULE LXXXI.

Machinery Casings.

Machinery casings on the freeboard deck are to be protected by a superstructure of at least standard height, unless the machinery casings are of sufficient strength and height to permit of the carriage of timber alongside.

RULE LXXXII.

Double Bottom Tanks.

Double bottom tanks where fitted within the midship half length of the ship are to have adequate longitudinal subdivision.

RULE LXXXIII.

Bulwarks.

The ship must be fitted either with permanent bulwarks at least 3 feet 3 inches high, specially stiffened on the upper edge and supported by strong bulwark stays attached to the deck in the way of the beams and provided with necessary freeing ports, or with efficient rails of the same height as the above and of specially strong construction.

RULE LXXXIV.

Deck Openings covered by Timber Deck Cargo.

Openings to spaces below the freeboard deck are to be securely closed and battened down. All fittings, such as hatchway beams, fore-and-afters, and covers, are to be in place. Where hold ventilation is needed, the ventilators are to be efficiently protected.

RULE LXXXV.

Stowage.

The wells on the freeboard deck are to be filled with timber stowed as solidly as possible, to at least the standard height of a bridge.

On a ship within a seasonal winter zone in winter, the height of the deck cargo above the freeboard deck is not to exceed one-third of the extreme breadth of the ship.

All timber deck cargo is to be compactly stowed, lashed and secured. It must not interfere in any way with the navigation and necessary work of the ship, or with the provision of a safe margin of stability at all stages of the voyage, regard being given to additions of weight, such as those due to absorption of water and to losses of weight such as those due to consumption of fuel and stores.

Rule LXXXVI.

Protection of Crew, Access to Machinery Space, &c.

Safe and satisfactory access to the quarters of the crew, to the machinery space and to all other parts used in the necessary work of the ship, is to be available at all times. Deck cargo in way of openings which give access to such parts is to be so stowed that the openings can be properly closed and secured against the admission of water. Efficient protection for the crew in the form of guard rails or life lines, spaced not more than 12 inches apart vertically, is to be provided on each side of the deck cargo to a height of at least 4 feet above the cargo. The cargo is to be made sufficiently level for gangway purposes.

Rule LXXXVII.

Steering Arrangements.

Steering arrangements are to be effectively protected from damage by cargo, and, as far as practicable, are to be accessible. Efficient provision is to be made for steering in the event of a breakdown in the main steering arrangements.

Rule LXXXVIII.

Uprights.

Uprights when required by the nature of the timber are to be of adequate strength and may be of wood or metal; the spacing is to be suitable for the length and character of timber carried, but is not to exceed 10 feet. Strong angles or metal sockets efficiently secured to the stringer plate or equally efficient means are to be provided for securing the uprights.

Rule LXXXIX.

Lashings.

Timber deck cargo is to be efficiently secured throughout its length by independent overall lashings spaced not more than 10 feet apart.

Eye plates for these lashings are to be riveted to the sheerstrake at intervals of not more than 10 feet, the distance from an end bulkhead of a superstructure to the first eye plate being not more than 6 feet 6 inches. Additional eye plates may be fitted on the stringer plate.

Overall lashings are to be in good condition and are to be not less than $\frac{3}{4}$ inch close link chain or flexible wire rope of equivalent strength, fitted with sliphooks and stretching screws, which are to be accessible at all times. Wire rope lashings are to have a short length of long link chain to permit the length of lashings to be regulated.

2nd Sch. —*cont.*

When timber is in lengths less than 12 feet, the spacing of the lashings is to be reduced to suit the length of timber or other suitable provision made.

When the spacing of the lashings is 5 feet or less, the size of the lashing may be reduced, but not less than ½ inch chain or equivalent wire rope is to be used.

All fittings required for securing the lashings are to be of strength corresponding to the strength of the lashings.

On superstructure decks, uprights, where fitted, are to be about 10 feet apart and are to be secured by athwartship lashings of ample strength.

Rule XC.

Plans.

Plans showing the fittings and arrangements for stowing and securing timber deck cargoes in compliance with the foregoing conditions and regulations are to be submitted to the Assigning Authority.

Freeboard.

Rule XCI.

Computation of Freeboard.

Where the Assigning Authority is satisfied that the ship is suitable and that the conditions and arrangements are at least equal to the foregoing requirements for the carriage of timber deck cargo, the Summer freeboards computed in accordance with the Rules and Tables in Part III may be modified to give special timber freeboards, by substituting the following percentages for those in Rule LIII :—

Total Effective Length of Superstructures.

	0	·1 L	·2 L	·3 L	·4 L	·5 L	·6 L	·7 L	·8 L	·9 L	1·0 L
All types	% 20	% 30·75	% 41·5	% 52·25	% 63	% 69·25	% 75·5	% 81·5	% 87·5	% 93·75	% 100

The Winter Timber freeboard is to be obtained by adding to the Summer Timber freeboard one-third of an inch per foot of the moulded Summer Timber draught.

The Winter North Atlantic Timber freeboards are the Winter North Atlantic freeboards prescribed in Rule LXV.

The Tropical Timber freeboard is to be obtained by deducting from the Summer Timber freeboard one-quarter of an inch per foot of the moulded Summer Timber draught.

Part VI.

2nd Sch. —*cont.*

Load Lines for Tankers.

Definition.

Tanker.—The term "tanker" includes all steamers specially constructed for the carriage of liquid cargoes in bulk.

Rule XCII.

Marks on the Ship's Sides.

The marks on the ship's sides are to be as provided in the figure in Rule IV.

Supplementary Conditions of Assignment for Deeper Loading.

Rule XCIII.

Construction of Ship.

The structure of the ship is to be of sufficient strength for the increased draught corresponding to the freeboard assigned.

Rule XCIV.

Forecastle.

The ship is to have a forecastle of which the length is not less than 7 per cent. of the length of the ship and the height is not less than the standard height.

Rule XCV.

Machinery Casings.

The openings in machinery casings on the freeboard deck are to be fitted with steel doors. The casings are to be protected by an enclosed poop or bridge of at least standard height, or by a deck house of equal height and of equivalent strength. The bulkheads at the ends of these structures are to be of the scantlings required for bridge front bulkheads. All entrances to the structures from the freeboard deck are to be fitted with effective closing appliances and the sills are to be at least 18 inches above the deck. Exposed machinery casings on the superstructure deck are to be of substantial construction, and all openings in them are to be fitted with steel closing appliances permanently attached to the casings and capable of being closed and secured from both sides; the sills of such openings are to be at least 15 inches above the deck. Fiddley openings are to be as high above the superstructure deck as is reasonable and practicable and are to have strong steel covers permanently attached in their proper positions.

2ND SCH. —*cont.*

RULE XCVI.

Gangway.

An efficiently constructed permanent gangway of sufficient strength for its exposed position is to be fitted fore and aft at the level of the superstructure deck between the poop and midship bridge, and when crew are berthed forward, from the bridge to the forecastle, or other equivalent means of access may be provided to carry out the purpose of the gangway, such as passages below deck.

RULE XCVII.

Protection of Crew, Access to Machinery Space, &c.

Safe and satisfactory access from the gangway level to the quarters of the crew, the machinery space and all other parts used in the necessary work of the ship, is to be available at all times. This rule does not apply to pump rooms entered from the freeboard deck, when fitted with Class 1 closing appliances.

RULE XCVIII.

Hatchways.

All hatchways on the freeboard deck and on the deck of expansion trunks are to be closed watertight by efficient steel covers.

RULE XCIX.

Ventilators.

Ventilators to spaces below the freeboard deck are to be of ample strength or are to be protected by superstructures or equally efficient means.

RULE C.

Freeing Arrangements.

Ships with bulwarks are to have open rails fitted for at least half the length of the exposed portion of the weather deck or other effective freeing arrangements. The upper edge of the sheer-strake is to be kept as low as practicable, and preferably not higher than the upper edge of the gunwale bar.

Where superstructures are connected by trunks, open rails are to be fitted for the whole length of the weather portions of the freeboard deck.

RULE CI.

Plans.

Plans showing proposed fittings and arrangements are to be submitted to the Assigning Authority for approval.

Freeboards.

RULE CII.

Computation of Freeboard.

When the Assigning Authority is satisfied that the foregoing requirements are fulfilled, the Summer freeboard may be computed from the Table for Tankers; all corrections except those for flush-deck steamers, detached superstructures, excess sheer, and winter voyages across the North Atlantic are to be made in accordance with Part III of the Rules.

RULE CIII.

Deduction for Detached Superstructures.

When the total effective length of superstructure is less than 1·0 L, the deduction is a percentage of that for a superstructure of length 1·0 L, and is obtained from the following table:—

TOTAL Effective Length of Superstructures.

	0	·1 L	·2 L	·3 L	·4 L	·5 L	·6 L	·7 L	·8 L	·9 L	1·0 L
		%	%	%	%	%	%	%	%	%	%
All types	0	7	14	21	31	41	52	63	75·3	87·7	100

RULE CIV.

Deduction for Excess Sheer.

Where the sheer is greater than the standard, the correction for excess sheer (*see* Rule LVII of Part III, Load Lines for Steamers) is deducted from the freeboard for all tankers. Rule LIX of Part III does not apply except that the maximum deduction for excess sheer is 1½ inches at 100 feet and increases at the rate of 1½ inches for each additional 100 feet in the length of the ship.

RULE CV.

Winter North Atlantic Freeboard.

The minimum freeboard for voyages across the North Atlantic, north of latitude 36° N., during the winter months, is the Winter Freeboard plus an addition at a rate of 1 inch per 100 feet in length.

2nd Sch.
—*cont.*

Rule CVI.

Freeboard Table for Tankers.

L in Feet.	Freeboard in Inches.	L in Feet.	Freeboard in Inches.
190	21·5	400	62·5
200	23·1	410	64·9
210	24·7	420	67·4
220	26·3	430	69·9
230	28·0	440	72·5
240	29·7	450	75·1
250	31·5	460	77·7
260	33·3	470	80·2
270	35·2	480	82·7
280	37·1	490	85·1
290	39·1	500	87·5
300	41·1	510	89·8
310	43·1	520	92·1
320	45·1	530	94·3
330	47·1	540	96·5
340	49·2	550	98·6
350	51·3	560	100·7
360	53·5	570	102·7
370	55·7	580	104·6
380	57·9	590	106·5
390	60·2	600	108·4

Ships above 600 feet are to be dealt with by the Administration.

ANNEX II.

Boundaries of the Zones and Seasonal Areas.

Zones.

The southern boundary of the northern "Winter Seasonal" zone is a line drawn from the east coast of North America along the parallel of lat. 36° N. to Tarifa in Spain; from the east coast of Korea along the parallel of lat. 35° N. to the west coast of Honshiu, Japan; from the east coast of Honshiu along the parallel of lat. 35° N. to long. 150° W., and thence along a rhumb line to the west coast of Vancouver Island at lat. 50° N., Fusan (Korea) and Yokohama to be considered as being on the boundary line of the northern "Winter Seasonal" zone and the "Summer" zone.

The northern boundary of the "Tropical" zone is a line drawn from the east coast of South America at lat. 10° N. along the parallel of lat. 10° N. to long. 20° W., thence north to lat. 20° N.

2nd Sch. —*cont.*

and thence along the parallel of lat. 20° N. to the west coast of Africa; a line from the east coast of Africa along the parallel of lat. 8° N. to the west coast of the Malay Peninsula, following thence the coast of Malay and Siam to the east coast of Cochin China at lat. 10° N., thence along the parallel of lat. 10° N. to long. 145° E., thence north to lat. 13° N. and thence along the parallel of lat. 13° N. to the west coast of Central America, Saigon to be considered as being on the boundary line of the " Tropical " zone and the " Seasonal Tropical " area (4).

The southern boundary of the " Tropical " zone is a line drawn from the east coast of South America along the Tropic of Capricorn to the west coast of Africa; from the east coast of Africa along the parallel of lat. 20° S. to the west coast of Madagascar, thence along the west and north coast of Madagascar to long. 50° E., thence north to lat. 10° S., thence along the parallel of lat. 10° S. to long. 110° E., thence along a rhumb line to Port Darwin, Australia, thence eastwards along the coast of Australia and Wessel Island to Cape Wessel, thence along the parallel of lat. 11° S. to the west side of Cape York, from the east side of Cape York at lat. 11° S. along the parallel of lat. 11° S. to long. 150° W., thence along a rhumb line to the point lat. 26° S. long. 75° W., and thence along a rhumb line to the west coast of South America at lat. 30° S., Coquimbo, Rio de Janeiro and Port Darwin to be considered as being on the boundary line of the " Tropical " and " Summer " zones.

The following regions are to be included in the "Tropical" zone:—

(1) *The Suez Canal, the Red Sea and the Gulf of Aden*, from Port Said to the meridian of 45° E., Aden and Berbera to be considered as being on the boundary line of the " Tropical " zone and the " Seasonal Tropical " area 2 (b).

(2) *The Persian Gulf* to the meridian of 59° E.

The northern boundary of the southern " Winter Seasonal " zone is a line drawn from the east coast of South America along the parallel of lat. 40° S. to long. 56° W., thence along a rhumb line to the point lat. 34° S., long. 50° W., thence along the parallel of lat. 34° S. to the west coast of South Africa; from the east coast of South Africa at lat. 30° S. along a rhumb line to the west coast of Australia at lat. 35° S., thence along the south coast of Australia to Cape Arid, thence along a rhumb line to Cape Grim, Tasmania, thence along the north coast of Tasmania to Eddystone Point, thence along a rhumb line to the west coast of South Island, New Zealand, at long. 170° E., thence along the west, south and east coasts of South Island to Cape Saunders, thence along a rhumb line to the point lat. 33° S. long. 170° W.; and thence along the parallel of lat. 33° S. to the west coast of South America, 2nd Sch. —*cont.* Valparaiso, Cape Town and Durban to be considered as being on the boundary line of the southern "Seasonal Winter" and "Summer" zones.

Summer Zones.

The remaining areas constitute the "Summer" zones.

Seasonal Areas.

The following areas are Seasonal Tropical areas :—

(1) *In the North Atlantic Ocean.*

An area bounded on the north by a line from Cape Catoche in Yucatan to Cape San Antonio in Cuba, by the South Cuban Coast to lat. 20° N. and by the parallel of lat. 20° N. to the point lat. 20° N. long. 20° W.; on the west by the coast of Central America; on the south by the north coast of South America and by parallel of lat. 10° N., and on the east by the meridian of 20° W.

Tropical : 1st November to 15th July.
Summer : 16th July to 31st October.

(2) *Arabian Sea.*

(a) *North of lat. 24° N.*

Karachi is to be considered as being on the boundary line of this area and the seasonal Tropical area (b) below.

Tropical : 1st August to 20th May.
Summer : 21st May to 31st July.

(b) *South of lat. 24° N.*

Tropical : 1st December to 20th May and 16th September to 15th October.
Summer : 21st May to 15th September and 16th October to 30th November.

(3) *Bay of Bengal.*

Tropical : 16th December to 15th April.
Summer : 16th April to 15th December.

(4) *In the China Sea.*

An area bounded on the west and north by the coast of Indo-China and China to Hong Kong, on the east by a rhumb line to the port of Sual (Luzon Island), and by the west coast of the Islands of Luzon, Samar and Leyte to the parallel of 10° N., and on the south by the parallel of lat. 10° N.

Hong Kong and Sual to be considered as being on the boundary of the "Seasonal Tropical" and "Summer" zones.

Tropical : 21st January to 30th April.
Summer : 1st May to 20th January.

(5) *In the North Pacific Ocean.*

(*a*) An area bounded on the north by the parallel of lat. 25° N., on the west by the meridian of 160° E., on the south by the parallel of lat. 13° N., and on the east by the meridian of 130° W.

Tropical : 1st April to 31st October.
Summer : 1st November to 31st March.

(*b*) An area bounded on the north and east by the coast of California, Mexico and Central America, on the west by the meridian of 120° W. and by a rhumb line from the point lat. 30° N., long. 120° W., to the point lat. 13° N., long. 105° W., and on the south by the parallel of lat. 13° N.

Tropical : 1st March to 30th June and 1st to 30th November.
Summer : 1st July to 31st October and 1st December to 28th/29th February.

(6) *In the South Pacific Ocean.*

(*a*) An area bounded on the north by the parallel of lat. 11° S., on the west by the east coast of Australia, on the south by the parallel of lat. 20° S., and on the east by the meridian of 175° E., together with the Gulf of Carpentaria south of lat. 11° S.

Tropical : 1st April to 30th November.
Summer : 1st December to 31st March.

(*b*) An area bounded on the west by the meridian of 150° W., on the south by the parallel of lat. 20° S., and on the north and east by the rhumb line forming the southern boundary of the "Tropical" zone.

Tropical : from 1st March to 30th November.
Summer : from 1st December to 28th/29th February.

The following are "Seasonal Winter" areas :—

Northern "Seasonal Winter" Zone (between North America and Europe).

(*a*) In the area within and to the Northwards of the following line :—

A line drawn south from the coast of Greenland at long. 50° W. to lat. 45° N., thence along the parallel of lat. 45° N. to the meridian of 15° W., thence north to lat. 60° N., thence along the parallel of lat. 60° N. to the west coast of Norway, Bergen to be considered as being on the boundary line of this area and area (*b*) below.

Winter from 16th October to 15th April.
Summer from 16th April to 15th October.

2ND SCH —*cont.*

(*b*) An area outside area (*a*) above and north of the parallel of lat. 36° N.

Winter from 1st November to 31st March.
Summer from 1st April to 31st October.

Baltic (bounded by the parallel of latitude of the Skaw).

Winter from 1st November to 31st March.
Summer from 1st April to 31st October.

Mediterranean and Black Sea.

Winter from 16th December to 15th March.
Summer from 16th March to 15th December.

Northern "Seasonal Winter" Zone (between Asia and North America, except Sea of Japan, South of 50° N.).

Winter from 16th October to 15th April.
Summer from 16th April to 15th October.

Sea of Japan between the parallels of lat. 35° *N. and* 50° *N.*

Winter from 1st December to 28/29th February.
Summer from 1st March to 30th November.

Southern "Seasonal Winter" Zone.

Winter from 16th April to 15th October.
Summer from 16th October to 15th April.

ANNEX III,

International Load Line Certificate.

ISSUED under the authority of the Government of.............. under the provisions of the International Load Line Convention, 1930.

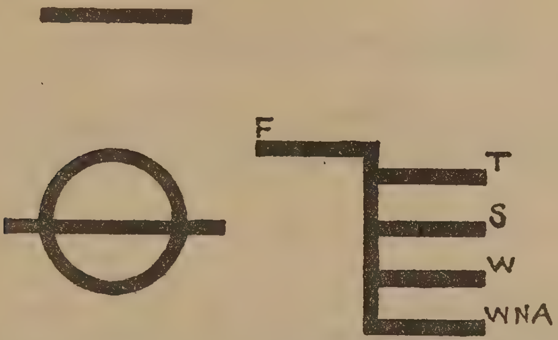
Distinctive Number
or Letters.........

Ship ....
Port of Registry..................................
Gross Tonnage ....

	Freeboard from deck line.	*Load Line.*
Tropical	....(*a*)	............above (*b*).
Summer	........................(*b*)	Upper edge of line through centre of disc.
Winter	........................(*c*)	............below (*b*).
Winter in North Atlantic	........................(*d*)	............below (*b*).

Allowance for fresh water for all freeboards........................

The upper edge of the deck line from which these freeboards are measured is..............inches above the top of the.............. deck at side.



This is to Certify that this ship has been surveyed and the freeboards and load lines shown above have been assigned in accordance with the Convention.

This certificate remains in force until.............................*
Issued at .... on the ....
day of ....

Here follows the signature or seal and the description of the authority issuing the certificate.

* See back.

Note.—Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, &c., required for consumption between the point of departure and the open sea.

The provisions of the Convention being fully complied with by this ship, this certificate is renewed till............................
....

Place .... Date ....
Signature or Seal and description of authority.

The provisions of the Convention being fully complied with by this ship, this certificate is renewed till............................
....

Place .... Date ....
Signature or Seal and description of authority.

The provisions of the Convention being fully complied with by this ship, this certificate is renewed till............................
....

Place .... Date ....
Signature or Seal and description of authority.

2nd Sch.
—*cont.*

ANNEX IV.

Titles of Load Line Laws and Rules regarded as Equivalent to the British Board of Trade Rules, 1906.

Australia.

Part IV of the Navigation Act, 1912–1920, and Navigation (Load Line) Regulations of the 17th December, 1924.

Belgium.

Loi sur la sécurité des navires (7 décembre 1920).

Chile.

Reglamento para el trazado del disco marcas y linea oficial de carguio de las naves mercantes (Decree No. 1896 of the 12th November, 1919).

Denmark.

Merchant Shipping (Inspection of Ships) Act of the 29th March, 1920, with later amendments.

Rules and Tables of Freeboard for Ships, dated the 30th September, 1909, as amended by Notification of the 25th July, 1918.

France.

Loi du 17 avril 1907. Arrêté du 5 septembre 1908. Décret du 21 septembre 1908. Autre décret du 21 septembre 1908 modifié par le décret du 1er septembre 1925. Décret du 12 mai 1927. Décret du 17 janvier 1928.

Germany.

Vorschriften der See-Berufsgenossenschaft über den Freibord für Dampfer und Segelschiffe, Ausgabe 1908.

Hong Kong.

Merchant Shipping Consolidation Ordinance (No. 10 of 1899), as amended by Ordinances Nos. 31 of 1901, 2 of 1903, 5 of 1905, 16 of 1906, 9 of 1909, and 6 of 1910.

Iceland.

Law No. 58 of the 14th June, 1929, Sections 25–26.

India.

Indian Merchant Shipping Act, 1923.

Italy.

Regole e tavole per assignazione del "Bordo Libero" approved by decree dated the 1st February, 1929—VII of the Italian Minister for Communications.

Prior to 1929—British Board of Trade Rules, 1906.

Japan.

Ship Load Line Law [Law No. 2 of the 10th year of Taisho (1921)] and the Rules and Regulations relating thereto.

Netherlands.

Decree of the 22nd September, 1909 (Official Journal No. 315).

Netherlands Indies.

Netherlands Decree of the 22nd September, 1909 (Official Journal No. 315).

New Zealand.

British Board of Trade Rules, 1906.

Norway.

Norwegian Freeboard Rules and Tables of 1909.

Portugal.

Decree No. 11,210 of the 18th July, 1925, and Regulations and Instructions relating thereto.

Spain.

Reglamento para el Trazado del Disco y Marcas de Maxima Carga de los buques mercantes, 1914.

Straits Settlements.

British Board of Trade Rules, 1906.

Sweden.

Rules and Tables of Freeboard approved by decree of the 21st May, 1910.

United Kingdom.

Board of Trade Rules, 1906.

United States of America.

British Board of Trade Rules, 1906.

Union of Soviet Socialist Republics.

Rules and Regulations relating to the Load Lines of seagoing merchant vessels, published by Register of the Union of Soviet Socialist Republics, 1928.

FINAL ACT OF THE INTERNATIONAL LOAD LINE CONFERENCE, 1930.

The Governments of Germany, the Commonwealth of Australia, Belgium, Canada, Chile, Cuba, Denmark, the Free City of Danzig, Spain, the Irish Free State, the United States of America, Finland, France, the United Kingdom of Great

2nd Sch. —*cont.*

Britain and Northern Ireland, Greece, India, Iceland, Italy, Japan, Latvia, Mexico, Norway, New Zealand, Paraguay, the Netherlands, Peru, Poland, Portugal, Sweden and the Union of Soviet Socialist Republics;

Desiring to promote safety of life and property at sea by establishing in common agreement uniform principles and rules with regard to the limits to which ships on international voyages may be loaded;

Having decided to participate in an international conference which, upon the invitation of the Government of the United Kingdom of Great Britain and Northern Ireland, was held in London;

Appointed the following delegations:—

* * * * *

In the course of a series of meetings between the 20th May, 1930, and the 5th July, 1930, a Load Line Convention, dated the 5th July, 1930, was drawn up.

I.

The Conference takes note of the following declarations made by the undermentioned delegation:—

The Plenipotentiaries of the United States of America formally declare that the signing of the International Load Line Convention by them, on the part of the United States of America, on this date, is not to be construed to mean that the Government of the United States of America recognizes a régime or entity which signs or accedes to the Convention as the Government of a country when that régime or entity is not recognised by the Government of the United States of America as the Government of that country.

The Plenipotentiaries of the United States of America further declare that the participation of the United States of America in the International Load Line Convention signed on this date does not involve any contractual obligation on the part of the United States of America to a country, represented by a régime or entity which the Government of the United States of America does not recognise as the Government of that country, until such country has a Government recognised by the Government of the United States of America.

II.

2nd Sch. —*cont.*

The Conference also adopts the following recommendations :—

Ships of less than 150 *tons gross Engaged on International Voyages.*

The Conference recommends that such regulations as may be made by any of the Contracting Governments relating to ships of less than 150 tons gross engaged on international voyages should, so far as practicable and reasonable, be framed in accordance with the principles and rules laid down in this Convention, and should whenever possible be made after consultation and agreement with the Governments of the other countries concerned in such international voyages.

Strength.

As under the Rules attached to this Convention, ships which comply with the highest standard laid down in the rules of a classification society recognised by the Administration are regarded as having sufficient strength for the minimum freeboards allowed under the rules, the Conference recommends that each Administration should request the Society or Societies which it has recognised to confer from time to time with the Societies recognised by other Administrations, with a view to securing as much uniformity as possible in the application of the standards of strength on which freeboard is based.

Annual Surveys.

The Conference recommends that, if possible, each Administration should make arrangements for the periodical inspections referred to in paragraph (3) (*c*) of Article 14 to be held at intervals of approximately twelve months so far as concerns the maintenance of the fittings and appliances referred to in Condition B of paragraph 3 of that Article (*i.e.*, the fittings and appliances for the (i) protection of openings, (ii) guard rails, (iii) freeing ports and (iv) means of access to crews' quarters).

Information regarding Damage to Tankers.

The Conference recommends that the Governments of the countries to which tankers belong shall keep records of all structural and deck damage to these ships caused by stress of weather, so that information with regard to these matters may be available.

In faith whereof the undersigned have affixed their signatures to the present Act.

2nd Sch. —*cont.* Done in London this fifth day of July, 1930, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified true copies thereof to all signatory Governments.

Section 22.

THIRD SCHEDULE.

Rules with respect to Watertight Doors and other Contrivances.

1. The following contrivances shall be securely closed so as to be watertight before the steamer proceeds to sea, and shall always be kept closed while the steamer is at sea, that is to say :—

(*a*) hinged watertight doors below the margin line, which are fitted in main transverse bulkheads dividing cargo between deck spaces;

(*b*) sidescuttles in any between deck space, wherein the sill of any sidescuttle which can be opened is below a line drawn on the side of the steamer parallel to the bulkhead deck and having its lowest point four and a half feet, in addition to two and a half per centum of the breadth of the steamer, above the water at the time when the steamer proceeds to sea;

(*c*) sidescuttles below the margin line which will not be accessible while the steamer is at sea, together with their dead-lights;

(*d*) gangway, cargo and coaling ports below the margin line.

Provided that in fair weather in tropical waters sub-paragraph (*b*) of this paragraph shall have effect as if " three and a half feet " were substituted for " four and a half feet."

For the purpose of this paragraph, a contrivance shall be deemed to be below the margin line if the sill thereof is below that line, and a sidescuttle mentioned in sub-paragraph (*b*) of this paragraph shall not be deemed to be closed unless it is locked.

2. Every watertight door fitted in a main transverse bulkhead, not being a door mentioned in sub-paragraph (*a*) of the last foregoing paragraph, shall be kept closed while the steamer is at sea except so far as it is necessary to open it for the working of the steamer, and when open shall be kept ready to be closed forthwith.

3RD SCH. —*cont.*

3. Every portable plate closing an opening in a bulkhead, being an opening which is wholly or partly below the margin line, shall be in place before the steamer proceeds to sea, and no such plate shall be removed at sea except in case of urgent necessity, and in replacing any such plate all reasonable precautions shall be taken to ensure that the joints are watertight.

4. The cover and valve of every ash-shoot, rubbish-shoot or other similar contrivance, having its inboard opening below the margin line, shall be kept securely closed when the contrivance is not in use.

5. The opening and closing of all such watertight doors and other contrivances as are mentioned in sub-paragraphs (*a*), (*b*) and (*c*) of paragraph 1 and paragraphs 2 and 4 of this Schedule, and of the closing mechanism of all scuppers having their inboard opening below the margin line, shall be practised once a week and also before the steamer proceeds to sea on any voyage which is likely to last more than a week:

Provided that while the steamer is at sea—

(*a*) the opening and closing of all such watertight doors, which are in use and are hinged or operated by power, shall be practised daily;

(*b*) nothing in this paragraph shall be taken to authorise the opening of any watertight door or other contrivance which is required by paragraph 1 of this Schedule to be kept closed.

6. Every valve, the closing of which is necessary to make any compartment watertight, and every watertight door in a main transverse bulkhead and the mechanism and indicators connected therewith, shall be inspected at least once a week.

7. A record shall be entered in the official logbook—

(*a*) of the time of opening and closing every watertight door operated by power which is fitted between bunkers in the between decks below the bulkhead deck, every such portable plate as is mentioned in paragraph 3 of this Schedule and every such watertight door, and other contrivance as is mentioned in paragraph 1 of this Schedule; and

(*b*) of every occasion on which the opening and closing of watertight doors and other contrivances is practised on board the ship in pursuance of this Schedule; and

(*c*) of every occasion on which watertight doors and other contrivances have been inspected in pursuance of this Schedule.

8. In this Schedule the expressions "bulkhead deck" and "margin line" have the same meaning as in the construction regulations.

Section 39.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

PART I.

ENACTMENTS REPEALED AS FROM COMMENCEMENT OF PART I.

Session and Chapter.	Short title.	Extent of repeal.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	In section two hundred and seventy-two, paragraph (*d*) of subsection (3) and paragraph (*e*) of subsection (4); subsection (2) of section two hundred and eighty-five; subsection (2) of section four hundred and twenty-seven; section four hundred and thirty-four.
59 & 60 Vict. c. 12.	The Derelict Vessels (Report) Act, 1896.	The whole Act.

Section 67.

PART II.

ENACTMENTS REPEALED AS FROM THE APPOINTED DAY.

Session and Chapter.	Short title.	Extent of repeal.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Sections four hundred and thirty-seven to four hundred and forty-five.
6 Edw. 7. c. 48	The Merchant Shipping Act, 1906.	Sections one, seven, eight and ten.

PART III.

4TH SCH. —*cont.*

Section 74.

ENACTMENTS REPEALED AS FROM PASSING OF ACT.

Session and Chapter.	Short title.	Extent of repeal.
4 & 5 Geo. 5. c. 50.	The Merchant Shipping (Convention) Act, 1914.	The whole Act.
9 & 10 Geo. 5. c. 38.	The Merchant Shipping (Wireless Telegraphy) Act, 1919.	The proviso to subsection (2) of section one; in subsection (4) of section one the words "or a wireless telegraphy "inspector" and the words "or inspector" in both places where those words occur; in subsection (5) of section one the words "or by the Merchant "Shipping (Convention) "Act, 1914"; in subsection (2) of section three the words from "and wireless telegraphy inspector" to the end of that subsection.

CHAPTER 10.

An Act to confirm and give effect to a certain agreement made between His Majesty's Government in the United Kingdom and His Majesty's Government in the Irish Free State with respect to the registration and control of veterinary surgeons. [17th March 1932.]

WHEREAS His Majesty's Government in the United Kingdom and His Majesty's Government in the Irish Free State have entered into the agreement set forth in the Schedule to this Act, being an agreement with respect to the registration and control of veterinary surgeons:

And whereas by Article 10 of the said agreement it is provided that the said Governments respectively shall, as soon as possible, introduce into their respective Parliaments such legislation as may be necessary to give statutory effect to the said agreement, and that the said agreement shall not take effect until such legislation in both such Parliaments has been passed into law:

And whereas the said agreement has been confirmed by an Act of the Parliament of the Irish Free State known as the Veterinary Surgeons Act, 1931, and it is expedient that it should be confirmed by an Act of the Parliament of the United Kingdom:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of agreement.

1. The agreement set forth in the Schedule to this Act is hereby confirmed and the enactments in force in the United Kingdom with respect to veterinary surgeons shall have effect subject to the provisions of the said agreement.

Modification of Charters of Royal College of Veterinary Surgeons.

2. The Royal Charters of the Royal College of Veterinary Surgeons may be modified by supplemental Royal Charters so far as is necessary to give effect to the said agreement.

Short title.

3. This Act may be cited as the Veterinary Surgeons (Irish Free State Agreement) Act, 1932.

SCHEDULE.

AGREEMENT BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND HIS MAJESTY'S GOVERNMENT IN THE IRISH FREE STATE AS TO THE REGISTRATION AND CONTROL OF VETERINARY SURGEONS.

1. In this Agreement, the expression " the Charters " means the Charters of the Royal College of Veterinary Surgeons granted

by Her late Majesty Queen Victoria on the 8th day of March, 1844, the 3rd day of August, 1876, the 5th day of August, 1879, the 25th day of August, 1883, and the 19th day of September, 1892, respectively and by His Majesty King George V on the 21st day of August, 1914, and the 12th day of February, 1923, respectively; the expression "the Veterinary Surgeons Acts" means the Veterinary Surgeons Act, 1881, the Veterinary Surgeons Amendment Act, 1900, and the Veterinary Surgeons Act (1881) Amendment Act, 1920; the expression "the general veterinary register" means the register of veterinary surgeons maintained by the Council of the Royal College of Veterinary Surgeons under the Charters and the Veterinary Surgeons Acts; the expression "the Irish Free State Veterinary Council" means such council as may hereafter be established by legislation of the Oireachtas of the Irish Free State for the purpose of registering and controlling veterinary surgeons in the Irish Free State; the expression "the Irish Free State veterinary register" means such register of veterinary surgeons as may be required by legislation of the Oireachtas of the Irish Free State to be kept by the Irish Free State Veterinary Council; the word "formerly" shall be construed as referring to times previous to the establishment of the Irish Free State.

2. Subject to the provisions of this Agreement, and notwithstanding anything contained in the Irish Free State Constitution Act, 1922, or the Irish Free State (Consequential Provisions) Act, 1922, or the Constitution of the Irish Free State (Saorstat Eireann) Act, 1922, passed by the Provisional Parliament of Ireland, or the Adaptation of Enactments Act, 1922, passed by the Oireachtas of the Irish Free State, or any order made under any of those Acts, the constitution of the Royal College of Veterinary Surgeons, under the Charters and the Veterinary Surgeons Acts, and the powers and duties formerly vested in or imposed on that College of holding examinations for the purpose of testing the fitness of persons to practise as veterinary surgeons and of granting as a result of such examinations, diplomas qualifying for registration in the general veterinary register and other diplomas in veterinary science or any branch thereof, shall be deemed not to have been affected by the establishment of the Irish Free State, and, for the purpose of the preparation and keeping of the general veterinary register, the Council of the Royal College of Veterinary Surgeons and their officers shall, subject to the provisions of this Agreement, have and may exercise in relation to persons, colleges and matters in the Irish Free State all such powers, jurisdictions, and authorities under the Charters and the Veterinary Surgeons Acts as the said Council and their officers formerly had and might exercise under the Charters and the said Acts for that purpose in relation to persons, colleges and matters in Ireland.

3.—(1) There shall be established by legislation of the Oireachtas of the Irish Free State a Council (in this Agreement referred to as the Irish Free State Veterinary Council) for the purpose of registering and controlling veterinary surgeons in the Irish Free State, and such legislation shall provide for the establishment and maintenance by such Council of a register (in this Agreement referred to as the Irish Free State veterinary register) of persons entitled to practise as veterinary surgeons in the Irish Free State.

(2) The said legislation establishing the Irish Free State Veterinary Council shall provide that the said council shall, as from the earliest convenient date, always include four members who will be eligible to be and will be members of the Council of the Royal College of Veterinary Surgeons and represent the Irish Free State on that Council in accordance with this Agreement.

4.—(1) The necessary steps shall be taken by means of a Supplemental Charter or of legislation of the Parliament of the United Kingdom of Great Britain and Northern Ireland to secure that the number of members of the Council of the Royal College of Veterinary Surgeons shall be thirty-six, of whom thirty-two shall be representatives of the members of the said College resident outside the Irish Free State and shall be elected in the manner provided by the Charters, but by the votes of those members only who are resident outside the Irish Free State, and the remaining four members (hereinafter referred to as Irish Free State representatives) of the said Council shall be representatives of the members of the said College resident in the Irish Free State, and shall be members of the said College who are for the time being registered in the Irish Free State veterinary register and are resident in the Irish Free State and (subject to provisions hereinafter contained in relation to casual vacancies) shall be elected in such manner as may be prescribed by legislation of the Oireachtas of the Irish Free State by the votes only of those members of the said College who are for the time being registered in the Irish Free State veterinary register and are resident in the Irish Free State.

(2) The Irish Free State representatives shall be persons who are members of the Irish Free State Veterinary Council and (subject to provisions hereinafter contained in relation to casual vacancies) are such members by virtue of their election thereto by the votes of members of the Royal College of Veterinary Surgeons who are for the time being registered in the Irish Free State veterinary register and are resident in the Irish Free State.

(3) The first Irish Free State representatives shall, when elected, be arranged in order of seniority according to the number of votes cast for them respectively and shall take office at the

annual meeting of the Royal College of Veterinary Surgeons next after the taking effect of this Agreement, or, if that cannot conveniently be done, at the next following annual general meeting of the said College, and (subject to death, resignation, or disqualification) the first in seniority of the said first representatives shall hold office as such representative until the fourth annual general meeting of the said College after the meeting at which he takes office, and the second, third, and fourth in seniority of the said first representatives shall respectively hold office as such representative until the third, second and first annual general meeting of the said College after the meeting at which he takes office.

(4) Every Irish Free State representative after the first such representatives other than persons elected or co-opted to fill casual vacancies shall take office as such representative at the annual general meeting of the Royal College of Veterinary Surgeons at which the term of office of his predecessor expires, and unless he sooner dies, resigns, or becomes disqualified, shall hold office as such representative until the fourth annual general meeting of the said College after the said meeting at which he takes office.

(5) An Irish Free State representative who ceases otherwise than by expiration of his term of office to be a member of the Irish Free State Veterinary Council or ceases to be a member of the Royal College of Veterinary Surgeons or ceases to be resident in the Irish Free State shall be disqualified for being and shall forthwith cease to be an Irish Free State representative.

(6) Casual vacancies amongst the Irish Free State representatives shall be filled in such manner as shall be prescribed by legislation of the Oireachtas of the Irish Free State, but notwithstanding anything in this Agreement, such legislation may authorise the filling of such vacancies temporarily by co-option by the Irish Free State Veterinary Council pending the filling thereof by election in accordance with this Agreement.

(7) Every Irish Free State representative shall, if otherwise qualified, be eligible for election at or before the expiration of his term of office to become and be an Irish Free State representative at such expiration.

(8) The legislation of the Oireachtas of the Irish Free State regulating the terms of office of members of the Irish Free State Veterinary Council shall provide that the terms of office of Irish Free State representatives as members of the said Council shall coincide with their terms of office as such representatives, save that for reasons of practical convenience an interval not exceeding seven days may occur between the respective dates on which such terms of office respectively commence and also between the respective dates on which such terms of office respectively

expire, and it is hereby declared that for the purposes of such legislation and for the purposes of this Agreement any such interval shall be ignored.

5.—(1) Every person who is registered in the general veterinary register at the time when the Irish Free State register is first established and either is then resident in the Irish Free State or, not being so resident, applies in such manner and within such time as may be prescribed by legislation of the Oireachtas of the Irish Free State for registration in the Irish Free State veterinary register, shall be entitled to be registered in that register without payment of any fee other than such annual fee as may be or become payable under the said legislation.

(2) Subject to the subsequent provisions of this clause, every person (other than persons who are registered in the Irish Free State veterinary register under the foregoing sub-clause of this clause) who is for the time being registered in the general veterinary register shall be entitled, on payment of such fee as may be prescribed by or under legislation of the Oireachtas of the Irish Free State, to be registered in the Irish Free State veterinary register.

(3) No person whose name has been erased from the Irish Free State veterinary register on account of his having been convicted of treason or a felony, misdemeanour, crime or offence, or of his having been duly judged to be guilty of conduct disgraceful to him in a professional respect, shall be entitled subsequently to be registered in the said register solely by reason of his being registered in the general veterinary register.

(4) A person not previously registered in the Irish Free State veterinary register shall not be entitled to be registered therein if his name has been erased from the general veterinary register on account of his having been convicted of a felony, misdemeanour, crime or offence, or his having been duly judged to have been guilty of conduct disgraceful to him in a professional respect.

6.—(1) The Irish Free State Veterinary Council shall in every year pay to the Council of the Royal College of Veterinary Surgeons the sum of one guinea in respect of every person (subject to the exception hereinafter made) who during that year or any part thereof is registered in the Irish Free State veterinary register and is also registered in the general veterinary register and pays to the Irish Free State Veterinary Council in respect of his registration in the Irish Free State veterinary register the annual fee payable for such registration.

(2) No annual fee shall be payable to the Council of the Royal College of Veterinary Surgeons by a person in respect of

whom and for a year for which the sum of one guinea is paid to the said Council by the Irish Free State Veterinary Council in accordance with this clause.

(3) The sum of one guinea shall not be payable under this clause by the Irish Free State Veterinary Council to the Council of the Royal College of Veterinary Surgeons for the year in which the Irish Free State veterinary register is established in respect of any person who is registered in that register at the establishment thereof and either has paid an annual fee to the Council of the said College for that year or has paid in that year a registration fee to the Council of the said College.

(4) In this clause the word "year" means a period of twelve months commencing on any 1st day of April and ending on the next following 31st day of March.

7.—(1) Whenever a person registered in both the general veterinary register and the Irish Free State veterinary register is alleged to have been guilty of conduct disgraceful to him in a professional respect, then—

(*a*) if either such person practises as a veterinary surgeon exclusively outside the Irish Free State, or such person practises as a veterinary surgeon both outside and within the Irish Free State, and the disgraceful conduct is alleged to have been committed, or (in the case of continuing conduct) begun outside the Irish Free State, the powers of investigating such allegation, and, if such allegation is proved, of removing the name of such person from the general veterinary register, shall be exerciseable by the Council of the Royal College of Veterinary Surgeons under the Charters and the Veterinary Surgeons Acts as heretofore, and the Council of the Royal College of Veterinary Surgeons shall report to the Irish Free State Veterinary Council every case in which it is determined to remove from the general veterinary register the name of any person registered in the Irish Free State veterinary register, and such report shall be conclusive as to the fact, but so that the Irish Free State Veterinary Council shall form their own judgment on the case independently of any opinion of the Council of the Royal College of Veterinary Surgeons and act accordingly; and

(*b*) if either such person practises as a veterinary surgeon exclusively within the Irish Free State or such person practises as a veterinary surgeon both within and outside the Irish Free State and the disgraceful conduct is alleged to have been committed, or (in the case of continuing conduct) begun within the Irish Free State, such allegation shall, subject to the subsequent provisions of this clause, be investigated by a committee of the Irish Free State Veterinary Council under powers in that behalf to be conferred on that council by legislation of the Oireachtas of the Irish Free State.

(2) Any legislation of the Oireachtas of the Irish Free State conferring on the Irish Free State Veterinary Council powers of investigating allegations of conduct disgraceful in a professional respect made against persons who are registered in both the general veterinary register and the Irish Free State veterinary register shall limit such powers to cases coming within paragraph (*b*) of the foregoing sub-clause and shall provide that such investigation shall be made by a committee consisting of three members of the Irish Free State Veterinary Council (of whom at least one shall be a person who is also a member of the Council of the Royal College of Veterinary Surgeons), appointed by the Irish Free State Veterinary Council and two members of the Council of the Royal College of Veterinary Surgeons appointed by that Council.

(3) A Committee constituted in the manner specified in the foregoing sub-clause and appointed under legislation of the Oireachtas of the Irish Free State to investigate an allegation of disgraceful conduct in a professional respect coming within paragraph (*b*) of sub-clause (1) of this clause shall, for the purposes of the Charters and the Veterinary Surgeons Acts, be deemed to be a committee of the Council of the Royal College of Veterinary Surgeons appointed by that Council under the said Acts. The power of removing from the Irish Free State veterinary register the name of any person whose conduct becomes the subject of an investigation by such committee as aforesaid shall be exerciseable by the Irish Free State Council under the provisions in that behalf of the legislation to be passed by the Oireachtas. The Irish Free State Council shall report to the Council of the Royal College of Veterinary Surgeons every such case in which it is determined to remove from the Irish Free State Register the name of any such person and such report shall be conclusive as to the facts, but so that the Council of the Royal College of Veterinary Surgeons shall form their own judgment on the case independently of any opinion of the Irish Free State Council and act accordingly.

(4) Where, as a result of an investigation held under paragraph (*a*) of sub-clause (1) of this clause, the name of any person is removed from the general veterinary register and such person applies to have his name restored to that register, the Council of the Royal College of Veterinary Surgeons shall report such application to the Irish Free State Council and its determination thereon.

(5) Where, as a result of an investigation held under paragraph (*b*) of sub-clause (1) of this clause, the name of any person is removed from the Irish Free State veterinary register and such person applies to have his name restored to that register the Irish Free State Veterinary Council shall report such application to the Council of the Royal College of Veterinary Surgeons and its determination thereon.

(6) The legislation to be passed by the Oireachtas of the Irish Free State may provide that an appeal from a decision of the Irish Free State Veterinary Council removing from the Irish Free State veterinary register the name of any person registered therein or refusing to restore thereto the name of any person removed therefrom shall be to the High Court of the Irish Free State and to no other court or tribunal.

8. At every examination held in the Irish Free State by the Council of the Royal College of Veterinary Surgeons, the said Council shall, on the nomination of the authorities of any college, school or institution in the Irish Free State affiliated to the said Royal College, appoint the principal teacher of a subject in that school or his deputy to act as third or internal examiner in that subject of students educated at that college, school or institution, but such third or internal examiner shall not set the written questions at such examination.

9. At every examination held in the Irish Free State by the Council of the Royal College of Veterinary Surgeons, the said Council and the Irish Free State Veterinary Council shall each be entitled to be represented by delegates appointed by the said councils respectively for the purpose of observing the conduct of such examination and reporting thereon to the said councils respectively.

10. His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and His Majesty's Government in the Irish Free State shall, as soon as possible, introduce into their respective Parliaments such legislation as may be necessary to give statutory effect to this Agreement, and this Agreement shall not take effect until such legislation in both such Parliaments shall have been passed into law.

Signed on behalf of His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland,	Signed on behalf of His Majesty's Government in the Irish Free State,
J. H. THOMAS.	P. McGILLIGAN.

CHAPTER 11.

An Act to make miscellaneous amendments in the law applicable to Northern Ireland.

[17th March 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions as to the Supreme Court. 10 & 11 Geo. 5. c. 67.

1.—(1) The reservation in section forty-seven of the Government of Ireland Act, 1920 (in this Act referred to as "the principal Act"), of matters relating to the Supreme Court of Northern Ireland shall not be construed as precluding the Parliament of Northern Ireland from enacting, for the purposes of a branch of the law the general subject matter of which is within the powers of that Parliament, provisions conferring jurisdiction on the Supreme Court, the High Court or a court of assize.

4 & 5 Geo 5. c. 58. 20 & 21 Geo. 5. c. 45.

(2) If the Parliament of Northern Ireland make provision for amending section ten of the Criminal Justice Administration Act, 1914 (which relates to the sending of youthful delinquents to Borstal institutions), by conferring the like jurisdiction on courts of assize as is thereby conferred on Courts of Quarter Sessions, that Parliament may make such consequential amendments in section nineteen of the Criminal Appeal (Northern Ireland) Act, 1930, as may be necessary to provide an appeal from a sentence of detention in a Borstal institution pronounced by a court of assize by virtue of the said amendment.

Amendment as to resealing in Northern Ireland of English probate grants. 20 & 21 Vict. c. 79.

2. Probate and letters of administration granted by the High Court in England shall not be resealed in the High Court in Northern Ireland under section ninety-four of the Probates and Letters of Administration Act (Ireland), 1857, as amended by or under any enactment, unless the person to whose estate the probate or letters of administration relate died domiciled in England.

Provisions as to consolidation.

3. For the purpose of the consolidation of a branch of the statute law the general subject matter of which is within the powers of the Parliament of Northern Ireland, that Parliament may, notwithstanding anything in subsection (1) of section six of the principal Act, repeal and re-enact any enactments of the Parliament of the United Kingdom which form a part of that branch of the statute law and which have been passed after the appointed day.

Reciprocal pension arrangements between Northern Ireland and other parts of His Majesty's Dominions.

14 & 15 Geo. 5. c. 38.

4.—(1) If reciprocal arrangements are in force between Great Britain and Northern Ireland under and for the purposes of the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1931, and the corresponding enactments of the Parliament of Northern Ireland, the National Health Insurance Joint Committee constituted under section eighty-eight of the National Health Insurance Act, 1924, on application being made by the Government of Northern Ireland, and with the approval of the Secretary of State, may make reciprocal arrangements to take effect between the Northern Ireland authority administering the said corresponding enactments and the authority administering a similar pensions' scheme in another country, whereby—

(*a*) periods of insurance, contributions paid, and residence, in one country shall, for the purpose of qualification for pensions in the other country, be treated as if they had been periods of insurance, contributions paid, and residence, in that other country;

(*b*) pensions payable by one country shall be payable to persons whilst resident in the other country; and

(*c*) financial adjustments may be made between one country and the other country.

15 & 16 Geo. 5. c. 70.

(2) For the purposes of this section, the expression "country" means, on the one hand, Northern Ireland, and on the other hand, any country other than Northern Ireland, with which reciprocal arrangements made under section thirty-three of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, are in force, and the expression "similar pensions' scheme" means a scheme established in any such country other than

Northern Ireland, and being the subject of the last-mentioned reciprocal arrangements.

Provision as to office of Land Purchase Commissioner.

5. It shall be lawful for a judge of the Supreme Court of Judicature of Northern Ireland to hold the office of Land Purchase Commissioner for Northern Ireland, but he shall not receive any remuneration in respect of that office.

Provisions as to priority in bankruptcy, &c., of Crown debts and certain debts due to Trustee Savings Banks.

6.—(1) Notwithstanding any restrictions imposed by the principal Act on the power of the Parliament of Northern Ireland to make laws, that Parliament may, with the consent of the Treasury,—

(*a*) regulate and restrict the priority which is to be given to Crown debts in the distribution of the property of a bankrupt, arranging debtor or person dying insolvent; and

(*b*) determine the priority, if any, to be given in the distribution of such property as aforesaid to the debts mentioned in section fourteen of the Trustee Savings Banks Act, 1863.

26 & 27 Vict. c. 87.

(2) For the purposes of this section, the recital in an Act passed by the Parliament of Northern Ireland that the consent of the Treasury has been obtained shall be conclusive evidence of the fact recited.

Repeal of s. 7 of 54 & 55 Vict. c. 66 and of para. (8) of s. 44 of 7 & 8 Geo. 5. c. 64.

7. Section seven of the Local Registration of Title (Ireland) Act, 1891, and paragraph (8) of section forty-four of the Representation of the People Act, 1918 (which provide for certain increases of salary to Clerks of the Crown and Peace), are hereby repealed :

Provided that this repeal shall not affect any Clerk of the Crown and Peace who is an existing officer within the meaning of section fifty-eight of the principal Act.

Application of c. 9 of 3 & 4 Geo. 5. to Northern Ireland.

8. The Herring Fishery (Branding) Act, 1913, shall apply to Northern Ireland, subject to the following modifications :—

(*a*) for references to the Ministry of Agriculture and Fisheries there shall be substituted references to the Ministry of Commerce for Northern Ireland :

(*b*) for the reference in subsection (2) of section one to any place in England or Wales there shall be substituted a reference to any place in Northern Ireland:

(*c*) for the reference to the Treasury in subsection (1) of section five there shall be substituted a reference to the Ministry of Finance for Northern Ireland:

(*d*) for the references to summary conviction there shall be substituted references to conviction under the Acts relating to summary jurisdiction in Northern Ireland:

(*e*) the following shall be substituted for subsection (3) of section six:—

> "(3) Any person who feels himself aggrieved by a conviction or order of a court of summary jurisdiction under this Act may appeal under the Acts relating to summary jurisdiction in Northern Ireland against the conviction or order, and the provisions of those Acts in connection with appeals shall apply accordingly."

Provisions as to sea and tidal waters, the seashore, &c.

9.—(1) The restrictions contained in section four of the principal Act shall not extend so as to prevent the Parliament of Northern Ireland making laws with respect to—

(*a*) the construction, carrying out or alteration of any works on or under or over any part of the shore or bed of the sea whether or not vested in the Crown; or

(*b*) the carrying out of dredging operations in the sea; or

(*c*) the deposit or removal of materials on or from the shore or bed of the sea whether or not vested in the Crown; or

(*d*) ferries across tidal waters in Northern Ireland,

if the consent of the Board of Trade and, in a case where any foreshore the management whereof is vested in the Commissioners of Crown Lands is affected, also the consent of those Commissioners, has been obtained.

(2) The exercise of administrative powers by the Government of Northern Ireland in connection with any such matters as are mentioned in the last preceding subsection and in relation to byelaws affecting the shore or bed of the sea shall be subject to the like consents as are specified in that subsection.

21 & 22 Vict. c. 72.

(3) Where under the Landed Estates Court (Ireland) Act, 1858, or any Act amending that Act or under the Land Purchase Acts, an application is made for the sale or conveyance of, or for a declaration of title as to, any land in Northern Ireland and the land includes any part of the shore or bed of the sea or any land immediately abutting thereon, or where an application is made to any department of the Government of Northern Ireland for any consent, approval, order, licence, loan or other matter which may, or for any purpose which may, affect the shore or bed of the sea or land immediately abutting thereon, notice of the application shall be given by the court or the department concerned to the Board of Trade and the Commissioners of Crown Lands.

(4) For the purposes of this section—

(*a*) the expression "shore" means the land below the high-water mark of ordinary spring tides, and the expression "sea" includes every arm of the sea and every navigable river up to the point at which it ceases to be tidal; and

(*b*) the recital in an Act passed by the Parliament of Northern Ireland that the consent of the Board of Trade or of the Commissioners of Crown Lands has been obtained, shall be conclusive evidence of the fact recited.

18 & 19 Geo. 5. c. 24.

(5) Subsection (2) of section two of the Northern Ireland (Miscellaneous Provisions) Act, 1928, is hereby repealed except with respect to Acts passed or things done before the commencement of this Act.

Short title.

10. This Act may be cited as the Northern Ireland (Miscellaneous Provisions) Act, 1932.

CHAPTER 12.

An Act to make provision for prohibiting or controlling the importation into and the keeping within Great Britain of destructive non-indigenous animals, for exterminating any such animals which may be at large and for purposes connected with the matters aforesaid. [17th March 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power to prohibit or control the importation or keeping of musk rats.

1.—(1) It shall be lawful for the Minister of Agriculture and Fisheries and the Secretary of State for Scotland (in this Act referred to as the "Minister" and "the Secretary of State" respectively), acting jointly, to prohibit by order either absolutely, or except under a licence granted under this Act, the importation into and the keeping within Great Britain of any animal of the species designated *Fiber zibethicus* or *Ondatra zibethica*, and commonly known as the musk rat, or musquash.

An order made under this subsection may prohibit absolutely the importation of musk rats notwithstanding that the keeping of them is not prohibited absolutely.

(2) Every order made under the preceding subsection shall, so soon as may be after it is made, be laid before each House of Parliament and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such order has been laid before it, resolves that the order shall be annulled, the order shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new order.

Power to make regulations and

2. For the purpose of enabling effect to be given to orders made under the last preceding section, the prescribe form of licences.

Minister and the Secretary of State, acting jointly, may—

(*a*) make regulations with respect to the ports at which musk rats may be imported under a licence, the form of container to be used for their transport from place to place, the nature of the premises upon which, and the manner in which, they may be kept under a licence and the precautions to be taken against their escape;

(*b*) prescribe the forms of licences to be used under this Act, the duration of such licences and the terms and conditions to be attached thereto; and

(*c*) with the approval of the Treasury, prescribe the fees to be charged in respect of the grant or renewal of such licences.

Grant and revocation of licences.

3. The appropriate department may at their discretion—

(*a*) upon payment by an applicant of the prescribed fee, grant to him a licence in the prescribed form authorising him to import and keep, or to keep, musk rats in accordance with the terms of the licence and with the regulations, and from time to time renew any licence so granted; and

(*b*) revoke any such licence, if it is shown to their satisfaction that the holder thereof has failed to comply with any term of the licence or with any of the regulations, or has been convicted of an offence under this Act.

Power of inspection.

4. While an order under section one of this Act is in force, any officer of, or person duly authorised by, the appropriate department shall at all reasonable times be permitted, on production of his authority if so required, to enter and inspect any land occupied by a person holding a licence under this Act and any other land upon which he has reason to believe that musk rats are being kept or may be found.

Provisions as to musk rats found at large.

5.—(1) The following provisions of this section shall have effect with respect to musk rats found at large at any time while an order under section one of this Act is in force.

(2) The occupier of any land who knows that musk rats, not being musk rats kept by him under a licence, are to be found thereon shall forthwith give notice to the appropriate department.

(3) The appropriate department so soon as they become aware that musk rats, not being musk rats kept under a licence, are to be found on any land, may take such steps as they consider necessary for their destruction, and it shall be the duty of the occupier of the land to afford all such facilities as it is in his power to afford to any persons employed by, or on behalf of, the department for that purpose.

(4) The appropriate department may, in the case of England, authorise the agricultural committee of the council of any county to exercise within that county on behalf and at the expense of the department the powers of the department under the last preceding subsection.

(5) No action for damages shall lie in respect of the killing or wounding of any musk rat which is found at large.

Offences, &c.

6.—(1) Any person who—

(*a*) at a time when the importation of musk rats is prohibited absolutely, imports, or attempts to import, any musk rat into Great Britain, or at a time when such importation is prohibited except under a licence, imports or attempts to import, any musk rat into Great Britain without having in force a licence authorising him so to do; or

(*b*) at a time when the keeping of musk rats is prohibited absolutely, keeps any musk rat in Great Britain, or at a time when the keeping of musk rats is prohibited except under a licence, keeps any musk rat in Great Britain without having in force a licence authorising him so to do; or

(*c*) being the holder of a licence granted to him under this Act, acts in contravention of or fails to comply with any regulation made under this Act, or any term of his licence; or

(*d*) turns loose any musk rat, or wilfully allows any musk rat to escape; or (*e*) obstructs any officer of, or person authorised by or employed by or on behalf of, the appropriate department, in the execution of his duty under this Act; or

(*f*) fails to give a notice which he is required by subsection (2) of the last preceding section to give,

shall be guilty of an offence under this Act, and shall on summary conviction be liable—

in the case of an offence under paragraph (*a*), paragraph (*b*) or paragraph (*d*) of this subsection, to a penalty of twenty pounds, or if the offence was committed in respect of more than four animals, to a penalty of five pounds in respect of each animal;

in the case of an offence under paragraph (*c*), to a penalty of ten pounds, and to a further penalty of forty shillings for every day on which the offence continues after conviction therefor;

in the case of an offence under paragraph (*e*), to a penalty of twenty pounds; and

in the case of an offence under paragraph (*f*), to a penalty of five pounds;

and the court before which any person is convicted of an offence under paragraph (*a*), paragraph (*b*) or paragraph (*c*) of this subsection may order any musk rats in respect of which the offence was committed to be forfeited and destroyed.

(2) Any officer of police and any person duly authorised in that behalf by the appropriate department may seize any musk rats with respect to which he has reason to believe that an offence under paragraph (*a*) of the last preceding subsection has been committed, and may detain them pending the determination of any proceedings to be instituted under that subsection, or until the appropriate department are satisfied that no such proceedings are likely to be instituted.

Compensation.

7.—(1) If an order is made under section one of this Act prohibiting absolutely the keeping of musk rats, any person who on the date of the order and on the twenty-fourth day of June, nineteen hundred and thirty-one, was keeping musk rats for profit in Great Britain shall, subject to the provisions of this section, be entitled to receive from the appropriate department compensation in respect of any pecuniary loss which he may suffer by reason of his being required in consequence of the making of the order to destroy his musk rats and in respect of the value of any structure or equipment erected or provided by him which is rendered useless, or of less utility, by reason of the prohibition contained in the order:

Provided that the compensation payable to a person under this section shall not in any case exceed the amount which would be payable to him if he had, at the date when the order came into operation, possessed only the same number of musk rats and the like structures and equipment as he possessed on the said twenty-fourth day of June.

(2) A claim for compensation under this section shall be made within three months after the date on which the order came into operation, and any question in dispute as to whether compensation is payable under this section, or as to the amount of any compensation so payable, shall be determined by a single arbitrator to be appointed, in default of agreement, by the Lord Chief Justice of England or, as the case may be, by the Lord President of the Court of Session.

Saving in respect of animals kept for exhibition, &c.

8.—(1) A person who desires to keep musk rats for exhibition, or for purposes of scientific research or other exceptional purposes, may apply to the appropriate department, and the department at their discretion may grant to him a special licence (which may be revoked by them at any time) authorising him to import and keep such limited number of musk rats, in such manner and upon such conditions as may be specified in the licence.

(2) A special licence may be granted under this section and shall have effect according to its tenor notwithstanding that the acts authorised by it are for the time being prohibited by an order made under section one of this Act.

Expenses of executing Act.

9. Any expenses incurred under this Act by the Minister, the Secretary of State, or the Department of Agriculture for Scotland shall be defrayed out of moneys provided by Parliament.

Power to extend provisions of Act to other destructive non-indigenous animals.

10.—(1) If at any time the Minister and the Secretary of State are satisfied with respect to animals of any non-indigenous mammalian species that by reason of their destructive habits it is desirable to prohibit or control the importation or keeping of them and to destroy any which may be at large, they may make with respect to animals of that species any such order as they are empowered by subsection (1) of section one of this Act to make with respect to musk rats, and thereupon all the provisions of this Act shall apply in relation to animals of that species as they apply in relation to musk rats, subject, however, to the modification that in subsection (1) of section seven of this Act the words "and on the "twenty-fourth day of June, nineteen hundred and "thirty-one" shall be omitted and subject also to such exceptions and other modifications, if any, as may be specified in the order:

Provided that, notwithstanding anything in subsection (2) of section one of this Act, an order made under this section shall be of no effect until a resolution approving it has been passed by each House of Parliament.

(2) In this section, the expression "non-indigenous mammalian species" means a mammalian species which at the date of the commencement of this Act was not established in a wild state in Great Britain, or had only become so established during the preceding fifty years:

Provided that nothing in this section shall apply to any species which was at the said date commonly kept in Great Britain in a domesticated state.

Interpretation.

11. In this Act the expression—

"the appropriate department" means, as respects England, the Minister and, as respects Scotland, the Department of Agriculture for Scotland;

the expression "occupier" means, in the case of land not occupied by any tenant or other person, the owner of the land; and the expression " land " includes land covered with water and any buildings and any other erection on land and any cellar, sewer, drain or culvert in or under land.

12.—(1) This Act may be cited as the Destructive Imported Animals Act, 1932. Short title and extent.

(2) This Act shall not extend to Northern Ireland, and for the purposes of the Government of Ireland Act, 1920, the enactment of legislation for purposes similar to the purposes of this Act shall not be deemed to be beyond the powers of the Parliament of Northern Ireland by reason only of the restrictions on those powers contained in section four of the said Act. 10 & 11 Geo. 5. c. 67.

CHAPTER 13.

An Act to continue in force certain enactments passed in connection with the financial emergency which arose in the year nineteen hundred and thirty-one. [17th March 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Subsection (3) of section one of the Gold Standard (Amendment) Act, 1931, and the Foodstuffs (Prevention of Exploitation) Act, 1931, which are limited to expire respectively on the twentieth day of March and the sixth day of April, nineteen hundred and thirty-two, shall continue in force until the twentieth day of March, nineteen hundred and thirty-three. Continuance of s. 1 (3) of 21 & 22 Geo. 5. c. 46, and of 21 & 22 Geo. 5. c 51.

2. This Act may be cited as the Financial Emergency Enactments (Continuance) Act, 1932. Short title.

CHAPTER 14.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two and one thousand nine hundred and thirty-three. [24th March 1932.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue of 513,847*l.* 4*s.* out of the Consolidated Fund for the service of the years ending 31st March 1931 and 1932.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the years ending on the thirty-first day of March one thousand nine hundred and thirty-one and one thousand nine hundred and thirty-two, the sum of five hundred and thirteen thousand eight hundred and forty-seven pounds four shillings.

Issue of 201,608,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1933.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-three, the sum of two hundred and one million six hundred and eight thousand pounds.

Power for the Treasury to borrow.

3.—(1) The Treasury may borrow from any person by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two hundred and two million one hundred and twenty-one thousand eight hundred and forty-seven pounds four shillings.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty-three, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

Short title.

4. This Act may be cited as the Consolidated Fund (No. 1) Act, 1932.

CHAPTER 15.

An Act to amend the Dangerous Drugs Acts, 1920 to 1925, so far as is necessary to enable effect to be given to a Convention signed at Geneva on behalf of His Majesty on the thirteenth day of July, nineteen hundred and thirty-one, and to make provision for the extension of those Acts to drugs capable of being converted into dangerous drugs. [24th March 1932.]

WHEREAS at a Conference held at Geneva for the purpose of supplementing the provisions of the International Opium Convention signed at The Hague on the twenty-third day of January, nineteen hundred and twelve (hereinafter referred to as "The Hague Convention") and the International Opium Convention signed at Geneva on the nineteenth day of February, nineteen hundred and twenty-five, (hereinafter referred to as "the Geneva Convention (No. 1)"), a convention for the purpose aforesaid (hereinafter referred to as "the Geneva Convention (No. 2)") was signed on behalf of His Majesty on the thirteenth day of July, nineteen hundred and thirty-one:

And whereas by Article 11 of the Geneva Convention (No. 2) it is provided that (*a*) in the event of the Health Committee of the League of Nations, after consulting the Permanent Committee of the Office International d'Hygiene Publique in Paris, deciding that any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was on the thirteenth day of July, nineteen hundred and thirty-one, being used for medical or scientific purposes, is, or can be converted into, a drug capable of producing addiction, the Health Committee shall notify the Secretary-General of the League of Nations of their decision; and (*b*) the said Secretary-General shall communicate the decision to the parties to the Convention and thereupon the parties to the Convention shall apply to that product the measures of control specified in the Convention:

And whereas the Geneva Convention (No. 2) contains certain other provisions to which effect cannot be given in the United Kingdom unless the Dangerous Drugs Acts, 1920 to 1925, are further amended:

And whereas by Article 30 of the Geneva Convention (No. 2) it is provided that that Convention shall not come into force until ninety days after the said Secretary-General has received the number of ratifications or accessions therein specified:

And whereas it is expedient to amend the Dangerous Drugs Acts, 1920 to 1925, so far as is necessary to enable effect to be given to the Geneva Convention (No. 2):

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of s. 8 of 10 & 11 Geo. 5. c. 46.

1.—(1) The following shall be substituted for subsection (1) of section eight of the Dangerous Drugs Act, 1920 (in this Act referred to as " the principal Act ") :—

" (1) The drugs to which this Part of this Act applies are—

(*a*) medicinal opium;

(*b*) any extract or tincture of Indian hemp;

(*c*) morphine and its salts, and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts;

(*d*) cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts;

(*e*) any solution or dilution of morphine or cocaine or their salts in an inert substance whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth per cent. of morphine or one-tenth per cent. of cocaine or of ecgonine;

(*f*) any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine;

(*g*) dihydrohydroxycodeinone, dihydrocodeinone, dihydromorphinone, acetyldihydrocodeinone, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives;

(*h*) thebaine and its salts, and (with the exception of methylmorphine, commonly known as codeine, and ethylmorphine, commonly known as dionin, and their respective salts) benzylmorphine and the other ethers of morphine and their respective salts;

(*i*) any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in paragraph (*g*) or in paragraph (*h*) of this subsection."

For the purpose of the foregoing provision the expression " ecgonine " means lævo-ecgonine and includes any derivatives of ecgonine from which it may be recovered industrially, and the percentage in the case of morphine shall be calculated as in respect of anhydrous morphine.

(2) Subsection (2) of section eight of the principal Act (which empowers His Majesty to declare that Part III of that Act shall apply to certain new derivatives) shall be amended by the insertion after the words " if improperly used " of the words " or is capable of being " converted into a substance which is, or is likely to be " productive, if improperly used."

Prohibition of trade, &c. in new drugs, and power to apply Part III of principal Act with or without modifications to certain drugs.

2.—(1) It shall not be lawful for any person in the United Kingdom to trade in or manufacture for the purpose of trade any products obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was on the thirteenth day of July, nineteen hundred and thirty-one, being used for medical or scientific purposes:

Provided that if His Majesty is at any time satisfied as respects any such product that it is of medical or scientific value, he may by Order in Council direct that this subsection shall cease to apply to that product.

If any person acts in contravention of this subsection, he shall be guilty of an offence against the principal Act.

(2) If it is made to appear to His Majesty that a decision with respect to any such product as is mentioned in subsection (1) of this section has in pursuance of Article 11 of the Geneva Convention (No. 2) been communicated by the Secretary-General of the League of Nations to the parties to the said Convention, His Majesty, by Order in Council, may, as the case requires, either declare that the provisions of the said Part III shall apply to that product in the same manner

as they apply to the drugs mentioned in subsection (1) of section eight of the principal Act as amended by this Act or apply the said Part III to that product with such modifications as may be specified in the Order.

(3) His Majesty may by Order in Council apply Part III of the principal Act, with such modifications as may be specified in the Order, to any of the following drugs, that is to say, methylmorphine (commonly known as codeine), ethylmorphine (commonly known as dionin) and their respective salts.

3. Subsection (2) of section six of the Dangerous Drugs and Poisons (Amendment) Act, 1923 (which defines the expression " corresponding law "), shall have effect as though the reference therein to the provisions of the Hague Convention included a reference to the provisions of the Geneva Convention (No. 1) and the Geneva Convention (No. 2).

Amendment of s. 6 (2) of Dangerous Drugs and Poisons (Amendment) Act, 1923. 13 & 14 Geo. 5. c. 5.

4. An Order or Declaration made by His Majesty in Council under the Dangerous Drugs Acts, 1920 to 1932, may be varied or revoked by a subsequent Order or Declaration made in the like manner and subject to the like provisions.

Power to alter or revoke Orders or Declarations in Council.

5.—(1) This Act may be cited as the Dangerous Drugs Act, 1932, and the Dangerous Drugs Acts, 1920 to 1925, and this Act may be cited together as the Dangerous Drugs Acts, 1920 to 1932.

Short title, extent, commencement and repeal.

(2) This Act shall not extend to Northern Ireland except in so far as it amends the Dangerous Drugs Acts, 1920 to 1925, in relation to matters with respect to which the Parliament of Northern Ireland have not power to make laws.

(3) This Act shall come into operation on such date as His Majesty may by Order in Council appoint, and different dates may be appointed for different provisions of this Act and in relation to different countries.

(4) Section three and section six of the Dangerous Drugs Act, 1925, are hereby repealed.

15 & 16 Geo. 5. c. 74.

CHAPTER 16.

An Act to amend the Law with respect to Customs in the Isle of Man. [24th March 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

GENERAL AD VALOREM DUTY.

Charge of general ad valorem customs duty of ten per cent.

1.—(1) On and from the first day of March, nineteen hundred and thirty-two, there shall, subject to the provisions of this Part of this Act, be payable on all goods removed or imported into the Isle of Man, other than goods exempted as hereinafter provided from the provisions of this section, a duty of customs equal to ten per cent. of the value of the goods.

(2) The following goods shall be exempted from the provisions of this section:—

(*a*) goods for the time being chargeable with a duty of customs by or under the provisions of any enactment relating to customs in the Isle of Man other than this Part of this Act, but not including (subject to the provisions of this Part of this Act) any composite goods in the case of which duty is payable by or under any such enactment as aforesaid, because some (but not all) of their components are articles so chargeable;

(*b*) goods of any class or description specified in the First Schedule to this Act or added to that Schedule by an order made under the next following subsection.

(3) At any time after an order has been made by the Treasury under subsection (3) of section one of the Import Duties Act, 1932, directing that goods of any class or description shall be added to the First Schedule

22 Geo. 5. c. 8.

to that Act, the Governor may by order direct that goods of that class or description shall be added to the First Schedule to this Act.

PART I. —*cont.*

(4) The duty imposed by this section is in this Act referred to as "the general ad valorem duty."

Preference for Dominions, India and Southern Rhodesia. 22 Geo. 5. c. 4.

2.—(1) This section shall apply to the following countries, that is to say, the Dominions within the meaning of the Statute of Westminster, 1931, India and Southern Rhodesia, and any territories in respect of which a mandate of the League of Nations is being exercised by, or which are administered under the authority of, the Government of any such Dominion as aforesaid.

(2) In the case of goods which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in any country to which this section applies, the general ad valorem duty shall not be payable until the fifteenth day of November, nineteen hundred and thirty-two, or, if a later date is fixed by resolution of the Commons House of Parliament under subsection (2) of section four of the Import Duties Act, 1932, either generally or as respects any particular country, and that resolution is adopted by resolution of the Court of Tynwald of the Isle of Man, then, in cases to which the resolution applies, until that later date.

(3) At any time after an order has been made by the Treasury under subsection (3) of section four of the Import Duties Act, 1932, directing, as respects goods of any class or description which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in any country specified in the order (being a country to which this section applies), that the general ad valorem duty imposed by that Act shall as from a date specified in the order not be chargeable or shall be chargeable only at some specified rate less than the full rate, the Governor may by order direct as respects such goods as aforesaid that, as from such date (not being earlier than the date aforesaid) as he may specify in the order, the duty imposed by this Part of this Act, shall not be payable, or as the case may be, shall be payable at the rate specified in the order of the

Part I. —*cont.*

Treasury, and where any such order is made by the Governor, the provisions of this Part of this Act shall have effect accordingly.

(4) Where, by virtue of subsection (2) of this section, any duty under this Part of this Act becomes payable on goods grown, produced or manufactured in any country to which this section applies, goods consigned from that country shall, unless they are goods of a class or description specified in an order made by the Governor with respect to that country under the last foregoing subsection or are goods of a class or description which are not grown, produced or manufactured in that country, be treated for the purposes of this section and of any order made by the Governor thereunder with respect to any other country and for the purposes of the next following section of this Act as not having been consigned from a part of the British Empire.

(5) Where the Governor has made an order under this section in pursuance of an order made by the Treasury as aforesaid and the order made by the Treasury is revoked or varied, the Governor may by order revoke or vary his order accordingly.

Colonial preference.

3.—(1) The general ad valorem duty shall not be payable in respect of goods which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in—

(*a*) any part of His Majesty's dominions outside the Isle of Man, other than a country to which the last preceding section of this Act applies; or

(*b*) any territory which is under His Majesty's protection.

(2) At any time after an Order has been made by His Majesty in Council under subsection (2) of section five of the Import Duties Act, 1932, as regards any territory in respect of which a mandate of the League of Nations is being exercised by the Government of the United Kingdom, the Governor may by order declare that this section shall apply to that territory as if it were a territory under His Majesty's protection.

Application of s. 8 of

4. Such of the provisions contained in section eight of the Finance Act, 1919, as are set out with modifications in Part I of the Second Schedule to this Act, shall apply for the purposes of the last two preceding sections of this Act, and the provisions of Part II of that Schedule shall have effect with respect to the evidence required to show that goods are, by reason of the provisions of the sections aforesaid, free, whether in whole or in part, from any duty payable under this Part of this Act:

9 & 10 Geo. 5. c. 32 for purpose of Imperial preference under Part I.

Provided that, if any duty becomes payable under this Part of this Act in respect of goods consigned from or grown, produced or manufactured in any country to which section two of this Act applies, the Governor may by regulations modify the provisions of the said Schedule so far as may appear to him to be necessary to meet the circumstances of the case.

Charge of duty in case of composite goods.

5. Where by virtue of section one of this Act any composite goods would, if no other provision were made in relation thereto by this Act, be chargeable both with the general ad valorem duty and with a duty of customs chargeable by or under some enactment relating to customs in the Isle of Man other than this Part of this Act, the general ad valorem duty shall be payable only up to the amount, if any, by which it exceeds the duty of customs payable by or under that other enactment.

Exception for goods imported with a view to re-exportation.

6. Where it is shown to the satisfaction of the Commissioners that any goods are being removed or imported into the Isle of Man solely with a view to the re-exportation thereof—

(*a*) after undergoing a process in the Isle of Man which will not change the form or character of the goods; or

(*b*) after transit through the Isle of Man, or by way of transhipment;

the Commissioners may, subject to such conditions as they think fit to impose for securing the re-exportation of the goods, allow the goods to be removed or imported into the Isle of Man free of the general ad valorem duty.

Ascertainment of value of goods for purpose of Part I.

7.—(1) For the purposes of this Part of this Act, the value of any goods removed or imported into the Isle of Man shall be taken to be—

(*a*) in the case of removed goods, the price which a person importing the goods into the United

PART I. —*cont.*

Kingdom would have given for them on a purchase in the open market if the goods had been delivered to him, at the port in the United Kingdom into which they were imported, freight, insurance, commission and all other costs, charges and expenses incidental to the purchase and delivery at that port (except any duties of customs) having been paid; or

(*b*) in the case of imported goods, the price which a person importing the goods into the Isle of Man would give for them on such a purchase if the goods were delivered to him as aforesaid at the port in the Isle of Man into which they were imported;

and duty shall be paid on that value as fixed by the Commissioners.

(2) In determining the value of any goods for the purposes of this Part of this Act, the Commissioners may have regard not only to the value of the goods as declared by a person removing or importing them but to all relevant considerations, and in particular—

(*a*) to the price which, at the time of importation into the United Kingdom or the Isle of Man, as the case may be, of the goods of which the value is to be ascertained (in this paragraph referred to as "the said goods"), was or is being paid for goods of the like class or description and quality by other persons importing such goods; or

(*b*) if the price aforesaid cannot be determined to the satisfaction of the Commissioners, then to the price at which the said goods, or imported goods of the like class or description and quality, were or are being freely offered for sale in the United Kingdom or the Isle of Man, as the case may be, to purchasers in the ordinary course of trade, less an allowance in respect of duties of customs and reasonable merchanting expenses and profits incidental to the marketing of the goods after importation; or

(*c*) if the last-mentioned price cannot be determined as aforesaid, then to the price at which goods of the like class or description and quality wholly or partly manufactured or produced in the

United Kingdom or the Isle of Man, as the case may be, were or are being freely offered for sale in the United Kingdom or the Isle of Man to purchasers in the ordinary course of trade, less an allowance in respect of duties of customs which that price would have included, or would include, if the goods had been imported, and in respect of reasonable merchanting expenses and profits incidental to the marketing of the goods.

(3) The Commissioners may make regulations for the purpose of giving effect to the provisions of this section and in particular for requiring any person concerned with the removal or importation of goods into the Isle of Man to furnish to the Commissioners, in such form as they may require, such information as is, in their opinion, necessary for a proper valuation of the goods, and to produce any books of account or other documents of whatever nature relating to the purchase, removal, importation or sale of the goods by that person.

(4) If any person contravenes or fails to comply with any regulations made under this section, he shall in respect of each offence be liable to a customs penalty of fifty pounds.

Determination of disputes as to value of goods.

8. If, in ascertaining the amount of any duty payable on any goods under this Part of this Act, any dispute arises as to the value of the goods, the question shall be referred to the arbitration of a referee appointed by the Governor, who shall not be an official of any Government Department, and the decision of the referee with respect to the matter in dispute shall be final and conclusive, and sections thirty and thirty-one of the Customs Consolidation Act, 1876, shall apply as if the dispute were such a dispute as is referred to in the said section thirty, with the substitution of the application for a reference to a referee under this section for the commencement of the action or suit mentioned in those sections.

39 & 40 Vict. c. 36.

Application of Treasury regulations as to conversion of ad valorem duty into specific duty.

9. If any regulations are made by the Treasury under section seventeen of the Import Duties Act, 1932, directing that the general ad valorem duty chargeable under that Act on goods of any class or description shall be charged by reference to weight or other measure of quantity, the duty payable under this Part of this Act on goods of that class or description shall be charged in

PART I. —*cont.*

accordance with those regulations, as varied by any subsequent regulations made by the Treasury under subsection (3) of the said section.

Declaration as to operation of s. 11 of 16 & 17 Geo. 5. c. 27.

10. For the removal of doubts it is hereby declared that section eleven of the Act of 1926 (which exempts from duties of customs, with certain exceptions, goods proved to the satisfaction of the Commissioners to have been manufactured or produced more than one hundred years before the date of their removal or importation) applies in relation to the general ad valorem duty.

Interpretation of Part I.

11. For the purposes of this Part of this Act—

(*a*) references to goods produced in the Isle of Man or to goods produced in any other country shall be deemed to include fish of Manx taking or fish of that other country's taking, as the case may be; and

(*b*) the expression "the British Empire" means His Majesty's dominions outside the Isle of Man (including all parts of India), territories under His Majesty's protection, territories in respect of which a mandate of the League of Nations is being exercised by the Government of any Dominion within the meaning of the Statute of Westminster, 1931, and any territory in respect of which a mandate of the League of Nations is being exercised by the Government of the United Kingdom and to which section three of this Act has been declared by order of the Governor to apply as if it were a territory under His Majesty's protection.

PART II.

DUTIES IN RESPECT OF ABNORMAL IMPORTATIONS AND EMERGENCY DUTIES ON HORTICULTURAL PRODUCTS.

Duty of customs on articles specified in orders made under 22 Geo. 5. c. 1.

12.—(1) There shall be payable in accordance with the provisions of this section on every article removed or imported into the Isle of Man, being an article to which this section applies, a duty of customs equal to fifty per cent. of the value of that article.

(2) This section applies to articles of the classes and descriptions set out in the Schedules to the following

Orders made by the Board of Trade under the Abnormal Importations (Customs Duties) Act, 1931, namely,—

(*a*) the Abnormal Importations (Customs Duties) No. 1 Order, 1931, as amended by the next mentioned Order;

(*b*) the Abnormal Importations (Customs Duties) No. 2 Order, 1931;

(*c*) the Abnormal Importations (Customs Duties) No. 3 Order, 1931.

(3) The duty of customs imposed by this section shall be payable—

(*a*) in the case of articles of the classes or descriptions set out in the Schedules to the Orders mentioned in paragraphs (*a*) and (*b*) of the last foregoing subsection, as from the eighth day of December, nineteen hundred and thirty-one;

(*b*) in the case of other articles to which this section applies, as from the fifth day of January, nineteen hundred and thirty-two;

(*c*) in the case of all articles to which this section applies, until the twentieth day of May, nineteen hundred and thirty-two, so however that articles of the classes or descriptions mentioned in paragraphs (*l*), (*o*) and (*p*) of the Schedule to the Abnormal Importations (Customs Duties) No. 1 Order, 1931, shall, for the purpose of this section, be deemed, as from the fifth day of January, nineteen hundred and thirty-two, not to have been included in that Schedule.

Duties of customs on articles specified in orders made under 22 Geo. 5. c. 3.

13.—(1) There shall be payable on every article removed or imported into the Isle of Man, being an article to which this section applies, a duty of customs in accordance with the provisions of this section.

(2) This section applies to articles of the classes and descriptions set out in the first column of the Schedules to the following Orders made by the Minister of Agriculture and Fisheries under the Horticultural Products (Emergency Customs Duties) Act, 1931, namely,—

(*a*) the Horticultural Products (Emergency Customs Duties) No. 1 Order, 1931;

(*b*) the Horticultural Products (Emergency Customs Duties) No. 2 Order, 1932.

Part II. —*cont.*

(3) The duties of customs imposed by this section shall be payable on articles of each of the classes and descriptions set out as aforesaid during the periods and at the rates respectively set out in the second and third columns of the said Schedules.

Ascertainment of value of articles for purpose of Part II.

14.—(1) For the purposes of this Part of this Act, the value of any articles removed or imported into the Isle of Man with respect to which duty is payable by reference to value shall be taken to be—

(*a*) in the case of removed articles, the price which a person importing the articles into the United Kingdom would have given for them if they had been delivered to him, freight and insurance paid, in bond at the port in the United Kingdom into which they were imported; or

(*b*) in the case of imported articles, the price which a person importing the articles into the Isle of Man would give for them if the articles were delivered to him as aforesaid at the port in the Isle of Man into which they were imported;

and duty shall be paid on that value as fixed by the Commissioners.

(2) The Commissioners may make regulations for the purpose of giving effect to the provisions of this section, and in particular for requiring any person concerned with the removal or importation of articles into the Isle of Man to furnish to the Commissioners, in such form as they may require, such information as is, in their opinion, necessary for a proper valuation of the articles, and to produce any books of account or other documents of whatever nature relating to the purchase, removal, importation, sale or re-sale of the articles by that person.

(3) If any person contravenes or fails to comply with any regulations made under this section, he shall in respect of each offence be liable to a customs penalty of fifty pounds.

Determination of disputes under Part II.

15. If—

(*a*) any dispute arises whether any articles removed or imported into the Isle of Man are articles to which section twelve of this Act applies; or (*b*) in ascertaining the proper rate of duty chargeable on any articles under this Part of this Act any dispute arises as to the value of the articles;

the question shall be referred to arbitration as if it were such a dispute as is referred to in section eight of this Act, and the provisions of the last-mentioned section shall apply accordingly.

16. Any duty payable under this Part of this Act on any article shall, subject to the provisions of Part I of this Act with respect to the charging of the general ad valorem duty on articles which are for the time being chargeable with duty under this Part of this Act, be payable in addition to any other duties of customs payable on that article.

Duties under Part II to be charged in addition to other duties.

17. No duty shall be payable under this Part of this Act on articles which are Empire products within the meaning of that expression as used in section five of the Act of 1919.

Exemption of Empire products. 9 & 10 Geo. 5. c. 74.

PART III.

MISCELLANEOUS DUTIES.

18. There shall be payable on and from the sixteenth day of October, nineteen hundred and thirty-one, until the first day of August, nineteen hundred and thirty-two, such additional duties of customs on ale or beer removed or imported into the Isle of Man as are sufficient to make, when added to the existing duties, a duty at the following rate:—

Additional duties on ale and beer.

	£	*s.*	*d.*
For every thirty-six gallons where the worts thereof were before fermentation of a specific gravity of one thousand and fifty-five degrees - - -	5	8	0

with a proportionate increase or decrease according to the specific gravity of the worts thereof before fermentation.

19.—(1) On and from the sixteenth day of October, nineteen hundred and thirty-one, in lieu of the customs duties theretofore payable on tobacco, there shall, until the first day of August, nineteen hundred and thirty-two,

Duties on tobacco.

PART III. —*cont.*

be payable on tobacco removed or imported into the Isle of Man, in the case of tobacco of the descriptions specified in the first column of the table contained in Part I of the Third Schedule to this Act and not being Empire products, duties at the rates respectively specified in the second column of that table, and in the case of tobacco of the descriptions specified in the first column of the table contained in Part II of the said Schedule and being Empire products, duties at the rates respectively specified in the second column of that table.

(2) In this section the expression "Empire products" means such Empire products as are entitled to a preferential rate under section five of the Act of 1919, and in the said schedule the expression "stripped tobacco" means any leaf tobacco of which the leaf is not complete by reason of the removal of the stalk or midrib or of some portion thereof, but tobacco shall not be deemed to be stripped tobacco solely by reason of its having been subjected to such process of butting as the Commissioners may allow.

Duty on hydrocarbon oils. 20 & 21 Geo. 5. c. 42. 21 & 22 Geo. 5. c. 34.

20.—(1) As from the sixteenth day of October, nineteen hundred and thirty-one, the rate of the customs duty payable under section four of the Act of 1930 (as amended by section one of the Act of 1931) on hydrocarbon oils shall be increased from sixpence per gallon to eightpence per gallon, and the rate of the rebate to be allowed under subsection (2) of the said section four (as so amended) on the delivery for home consumption of any goods other than light oils shall be increased from sixpence per gallon to eightpence per gallon.

(2) Subsection (3) of section four of the Act of 1930 (which provides for the repayment of duty paid in respect of hydrocarbon oil used on board fishing boats) shall have effect, and shall be deemed as from the said sixteenth day of October to have had effect, as if lifeboats owned by the Royal National Lifeboat Institution were fishing boats entered in the fishing boat register, and as if hydrocarbon oil used for the purpose of launching or hauling in any such lifeboat by means of any tractor or gear owned by the said Institution was used on board the boat.

Prohibition on mixing

21.—(1) It shall not be lawful for any person to mix any hydrocarbon oils, in respect of which a rebate of duty has been allowed under subsection (2) of section four of the Act of 1930, with any light oils within the meaning of subsection (5) of the said section, unless he is acting under the authority of a licence granted by the Commissioners and has, before the mixing, paid the duty which would have been paid if the rebate had not been allowed.

Part III.—*cont.* of hydrocarbon oils, on which rebate allowed, with light oils.

(2) If any person in contravention of this section mixes any such hydrocarbon oils as aforesaid with any light oils, he shall be liable at the option of the Commissioners either to a Customs penalty equal to three times the value of the oils mixed, including any duty chargeable thereon, or to a Customs penalty of one hundred pounds, and the mixture shall be forfeited.

(3) For the purposes of this section, a person shall not be deemed to be acting under the authority of a licence if he fails to comply with or acts in contravention of any conditions attached to the licence.

PART IV.

GENERAL.

22. In this Act—

Interpretation.

(*a*) a reference to an Act of any year shall be deemed to be a reference to the Isle of Man (Customs) Act of that year;

(*b*) the expression "the Commissioners" means the Commissioners of Customs and Excise;

(*c*) the expression "the Governor" means the Lieutenant-Governor of the Isle of Man.

23. This Act may be cited as the Isle of Man (Customs) Act, 1932.

Short title.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

Goods Exempted from the General ad Valorem Duty.

Gold and silver bullion and coin; platinum in grain, ingot, bar, or powder.

Wheat in grain.

Maize in grain.

Meat, that is to say, beef, veal, mutton, lamb, pork, bacon, ham and edible offals, but not including extracts and essences of meat or meat preserved in any airtight container.

Live quadruped animals.

Fish of British taking, including shell-fish.

Whale oil and whale products shown to the satisfaction of the Commissioners to have been produced or manufactured in floating factories which are British concerns.

Tea.

Cotton (raw) (including unmanufactured cotton waste and unbleached cotton linters).

Flax and true hemp (cannabis sativa), not further dressed after scutching or decorticating; tow of flax and true hemp (cannabis sativa).

Cotton seed, rape seed and linseed.

Wool and animal hair (raw), whether cleaned, scoured or carbonised or not; rags of wool not pulled; wool noils; wool waste not pulled or garnetted.

Hides and skins (including fur skins, but not including goat skins) raw, dried, salted or pickled, but not further treated.

Newspapers, periodicals, printed books and printed music.

Newsprint, that is to say, paper in rolls containing not less than 70 per cent. of mechanical wood pulp and of a weight of not less than 20 lbs. or more than 25 lbs. to the ream of 480 sheets of double crown, measuring 30 inches by 20 inches.

Wood pulp and esparto.

Rubber (raw) including crepe; rubber latex; gutta-percha (raw).

Metallic ores, concentrates and residues; scrap metals and wastes fit only for the recovery of metal.

1st Sch. —*cont.*

Iron pyrites, including cupreous pyrites.

Copper, unwrought, whether refined or not, in ingots, bars, blocks, slabs, cakes and rods.

Wooden pit-props.

Sulphur.

Mineral phosphates of lime.

Potassium carbonate, chloride and sulphate; kainite and other mineral potassium fertiliser salts.

Cinchona bark.

Coal, coke, and manufactured fuel of which coal or coke is the chief constituent.

Unset precious and semi-precious stones and pearls.

Radium compounds and ores.

Scientific films, that is to say, cinematograph films exempted under the provisions of subsection (2) of section 14 of the Act of 1928, from the Customs duty imposed by section 6 of the Act of 1925, as amended by section 12 of the Act of 1927.

18 & 19 Geo. 5. c. 38.
15 & 16 Geo. 5. c. 56.
17 & 18 Geo. 5. c. 20.

Flint, unground.

Soya beans.

Cork, raw and granulated; cork shavings and waste.

Ramie, not dressed.

Sugar, molasses, glucose, and saccharin (including substances of a like nature or use).

Fruits, dried or otherwise preserved, that is to say, currants, figs and fig cake, plums (including French plums, prunelloes, greengages, damsons, mirabelles, and dried apricots), prunes and raisins.

Table waters.

SECOND SCHEDULE.

Section 4.

Supplementary Provisions as to Imperial Preference.

Part I.

Provisions of Section 8 of the Finance Act, 1919, as modified and applied for the Purpose of Sections 2 and 3 of this Act.

1. For the purpose of ascertaining whether any goods are free from the general ad valorem duty as being goods consigned from and manufactured in a part of the British Empire, the goods shall not be deemed to have been manufactured in a part of the British Empire unless such proportion of their value as is prescribed by regulations made by the Governor is derived from materials grown or produced or from work done within a part of

2ND SCH. —*cont.* the British Empire, and for the purpose of this paragraph the value of any goods shall, notwithstanding any other provision of this Act, be taken to be their value as ascertained in accordance with the regulations aforesaid.

2. Where the Governor is satisfied that goods of any class or description are to a considerable extent manufactured in a part of the British Empire from material which is not wholly grown or produced in a part of the British Empire, the Governor may by regulations direct that goods of that class or description shall be free from duty, as being goods consigned from and manufactured in a part of the British Empire, only in respect of such proportion of the goods as corresponds to the proportion of material used in their manufacture which is shown to have been grown or produced in a part of the British Empire.

3. Where goods are manufactured in a bonded factory in the Isle of Man from dutiable material shown to the satisfaction of the Commissioners to have been consigned from and grown or produced in a part of the British Empire, the goods shall, to the extent to which they are shown to have been manufactured out of such material, be free from the general ad valorem duty.

PART II.

PROOF OF ORIGIN OF GOODS.

It shall be lawful for the Commissioners on the importation or removal into the Isle of Man of any goods consigned from any part of the British Empire to require the person importing or removing the goods to furnish to the Commissioners, in such form as they may prescribe, proof that the goods were grown, produced or manufactured in a part of the British Empire, and if such proof is not furnished to their satisfaction (having regard, in the case of manufactured goods, to the foregoing provisions of this Schedule) the goods shall not be deemed to be goods so grown, produced or manufactured.

THIRD SCHEDULE.

Section 19.

Rates of Duties on Tobacco.

Part I.

Rates in case of Tobaccos which are not Empire Products.

Description of Tobacco.	Rate of Duty per lb.	
Upon tobacco unmanufactured, namely :—	*s.*	*d.*
Containing 10 lbs. or more of moisture in every 100 lbs. weight thereof—		
Unstripped	9	6
Stripped	9	6½
Upon tobacco unmanufactured, namely :—		
Containing less than 10 lbs. of moisture in every 100 lbs. weight thereof—		
Unstripped	10	6
Stripped	10	6½
Upon tobacco manufactured, namely :—		
Cigars	18	1
Cigarettes	14	7
Cavendish or Negrohead	13	9
Cavendish or Negrohead manufactured in bond	12	0
Other manufactured tobacco	12	0
Snuff containing more than 13 lbs. of moisture in every 100 lbs. weight thereof	11	4
Snuff not containing more than 13 lbs. of moisture in every 100 lbs. weight thereof	13	9

Part II.

Rates in case of Tobaccos which are Empire Products.

Description of Tobacco.	Rate of Duty per lb.	
Upon tobacco unmanufactured, namely :—	*s.*	*d.*
Containing 10 lbs. or more of moisture in every 100 lbs. weight thereof—		
Unstripped	7	5½
Stripped	7	5⅞

3rd Sch. —*cont.*

Description of Tobacco.	Rate of Duty per lb. *s.*	*d.*
Containing less than 10 lbs. of moisture in every 100 lbs. weight thereof—		
Unstripped	8	$2\frac{7}{8}$
Stripped	8	$3\frac{1}{4}$
Upon tobacco manufactured, namely :—		
Cigars	14	$2\frac{1}{4}$
Cigarettes	11	$5\frac{1}{4}$
Cavendish or Negrohead	10	$9\frac{3}{8}$
Cavendish or Negrohead manufactured in bond	9	$4\frac{7}{8}$
Other manufactured tobacco	9	$4\frac{7}{8}$
Snuff containing more than 13 lbs. of moisture in every 100 lbs. weight thereof	8	$10\frac{5}{8}$
Snuff not containing more than 13 lbs. of moisture in every 100 lbs. weight thereof	10	$9\frac{3}{8}$

CHAPTER 17.

An Act to authorise the Treasury to guarantee a loan to be raised by the Government of Tanganyika, to authorise a loan to the Government of British Honduras, and to authorise the making of advances out of moneys provided by Parliament for the payment of the annual or half-yearly charges in respect of the said loans for a limited period. [24th March 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Tanganyika Loan.

Guarantee of Tanganyika loan.

1. The Treasury may, subject to the provisions of this Act, guarantee in such manner and on such conditions as they think fit, the payment of the principal of and the interest on any loan raised by the Government of Tanganyika for the purpose of refunding to the accumulated surplus balances of that territory sums expended from revenue on capital works undertaken before the passing of this Act:

Provided that the amount of the principal of the loan to be guaranteed under this section shall not exceed an amount sufficient to raise seven hundred and fifty thousand pounds.

2.—(1) A guarantee shall not be given under this Act until the Government of Tanganyika has provided to the satisfaction of the Treasury and the Secretary of State— Conditions for guarantee.

(*a*) for raising, appropriating, and duly applying the loan for the purpose specified in the last foregoing section or in payment of the expenses of raising the loan;

(*b*) for the establishment and regulation of one or more sinking funds for the purpose of the repayment of the principal of the loan or any instalment thereof within a period not exceeding forty years from the date on which the loan or the instalment is actually raised, and for the management of the sinking funds by trustees to be nominated by the Treasury;

(*c*) for charging the principal and interest of the loan and the payments to be made to the sinking funds to be established as aforesaid on the general revenues and assets of Tanganyika or on any other revenues or assets which may be made available for the purpose, with priority over any charges not existing at the date of the passing of this Act, other than—

(i) charges in respect of loans to which the provisions of the Palestine and East Africa Loans Acts, 1926 and 1931, apply; and

(ii) charges in respect of sums issued in pursuance of those Acts out of the Consolidated Fund;

(*d*) for charging on the general revenues and assets of Tanganyika immediately after the last mentioned charge, the repayment to the Treasury of any sum issued in pursuance of this Act out of the Consolidated Fund on account of a guarantee under this Act, with interest on the said sum at such rate as the Treasury may fix;

(*e*) for raising, or securing the raising of, sufficient money to meet the above charges.

(2) Any sums required by the Treasury for fulfilling any guarantee given under this Act shall be charged on and issued out of the Consolidated Fund or the growing produce thereof, and any sums received by way of the repayment of any sums so issued shall be paid into the Exchequer.

(3) The Treasury shall lay before both Houses of Parliament a statement of any guarantee given under this Act and an account of any sums issued out of the Consolidated Fund for the purpose of any such guarantee as soon as may be after the guarantee is given or the sums are issued.

British Honduras Loan.

Advances to British Honduras.

3.—(1) Subject to the provisions of this Act the Treasury may advance by way of loan to the Government of British Honduras for the purposes specified in the Schedule to this Act any sums not exceeding in the whole three hundred and twenty-five thousand pounds.

50 & 51 Vict. c. 16.

(2) The advances authorised by this section shall be local loans within the meaning of the National Debt and Local Loans Act, 1887, and that Act shall apply accordingly.

(3) Every such advance shall bear interest at such rate as the Treasury and Secretary of State may fix as being sufficient to enable it to be made without loss to the Local Loans Fund and shall be repaid within such period (not exceeding forty years from the date thereof) as the Treasury and Secretary of State may determine, and either by means of equal instalments of principal or by means of an annuity of principal and interest combined, as may be similarly determined.

Conditions for advances.

4. An advance shall not be made under the last foregoing section until the Government of British

Honduras has provided to the satisfaction of the Treasury and the Secretary of State—

(*a*) for raising, appropriating and duly applying the loan for the purposes specified in the Schedule to this Act, subject to any arrangement which may be made with the assent of the Treasury and of the Secretary of State for the application of savings on one head of expenditure under the said Schedule to another head of expenditure thereunder;

(*b*) for charging the principal of the loan on the general revenues and assets of British Honduras, or on any other revenues or assets which may be made available for the purpose, with priority over any charges not existing at the date of the passing of this Act;

(*c*) for so charging, and also for remitting to the Treasury in such manner as the Treasury may determine,—

(i) such yearly or half-yearly payments on account of the interest on, and the repayment of the principal of, the loan as the Treasury may fix; and

(ii) interest at such rate as the Treasury may fix on any such payment in arrear;

(*d*) for raising, or securing the raising of, sufficient revenue to meet the above charges.

General.

Advances in respect of loan charges.

5.—(1) The Treasury shall not be precluded from giving a guarantee or making an advance under this Act by reason only that it appears that the Government by which the loan is raised may not be in a position to meet, as and when they fall due, the annual or half-yearly charges in respect of the loan for any of the first five years of the currency of the loan.

(2) Advances may be made out of moneys provided by Parliament for the payment of such part, if any, of the annual or half-yearly charges in respect of a loan guaranteed or of an advance made under this Act for

any of the first five years of the currency of the loan as, in the opinion of the Treasury and the Secretary of State, the Government raising the loan are not in a position to meet as and when those charges fall due.

Short title.

6. This Act may be cited as the Tanganyika and British Honduras Loans Act, 1932.

Sections 3 and 4.

SCHEDULE.

PURPOSES OF LOAN TO BE RAISED BY THE GOVERNMENT OF BRITISH HONDURAS.

	£
1. The repair and replacement of Government property damaged by the hurricane which took place in the month of September, nineteen hundred and thirty-one - - - - -	50,000
2. The making of grants and loans to public authorities and educational bodies for the repair and replacement of property damaged by the said hurricane - - - - - - - -	35,000
3. The making of loans for commercial reconstruction and development and for the repair and replacement of domestic property damaged by the said hurricane - - - - - - - -	160,000
4. Agricultural settlement - - - - - -	60,000
5. Reclamation works and miscellaneous minor works	12,000
6. Compensation for destruction of property by the British Honduras Government after the said hurricane in the interests of public health and any purposes incidental to or connected with any of the purposes mentioned in this Schedule, including any expenses of raising the loan - - - -	8,000

CHAPTER 18.

An Act to extend the duration of certain temporary provisions contained in the Rating and Valuation Act, 1928. [24th March 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of certain provisions of 18 & 19 Geo. 5. c. 8.

32 & 33 Vict. c. 67.

15 & 16 Geo. 5. c. 90.

1.—(1) Notwithstanding anything in subsection (1) or subsection (3) of section two of the Rating and Valuation Act, 1928, the amendments made by those subsections with respect to the Third Schedule to the Valuation (Metropolis) Act, 1869, and the Second Schedule to the Rating and Valuation Act, 1925, respectively (being amendments relating to the ascertainment of the rateable value of certain hereditaments) shall continue to have effect in relation to the next valuation lists made under the two last-mentioned Acts after the commencement of this Act; and accordingly—

(*a*) the said subsection (1) shall be amended by inserting the words "and on the sixth day of April, nineteen hundred and thirty-six" after the words "sixth day of April, nineteen hundred and thirty-one"; and

(*b*) the said subsection (3) shall be amended by inserting the words "and second" after the word "first."

(2) The amendment made by subsection (1) of section three of the Rating and Valuation Act, 1928, with respect to section eleven of the Rating and Valuation Act, 1925 (being an amendment relating to the allowance to be made to owners when rated instead of occupiers), shall continue to have effect for the purposes of any rate made for a rating area in respect of a period during which the second new valuation list made under the last-mentioned Act for that area is in force; and accordingly the said subsection shall be amended by inserting the words "or second" after the word "first."

Short title and citation.

2. This Act may be cited as the Rating and Valuation Act, 1932, and the Rating and Valuation Acts, 1925 to 1930, and this Act may be cited together as the Rating and Valuation Acts, 1925 to 1932.

CHAPTER 19.

An Act to extend until the expiration of the Unemployment Insurance Act, 1930, the period in respect of which transitional payments may be made in certain cases under the Unemployment Insurance (National Economy) (No. 2) Order, 1931. [14th April 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of period in respect of which transitional payments may be made in certain cases.
17 & 18 Geo. 5. c. 30.
20 & 21 Geo. 5. c. 16.

1.—(1) Subject as hereinafter provided, for the purpose of determining the rights of any person to transitional payments under the Unemployment Insurance (National Economy) (No. 2) Order, 1931, subsection (2) of section fourteen of the Unemployment Insurance Act, 1927 (as amended by subsequent enactments), shall be read as if for any reference therein to a period of forty-eight months after the commencement of that Act there were substituted a reference to a period expiring at the time when the Unemployment Insurance Act, 1930, ceases to have effect:

Provided that no transitional payment shall be made by virtue of this subsection in respect of any day after the expiration of the said period as so extended.

(2) Any increase resulting from the operation of this section in the sums payable into the Unemployment Fund under Article 8 of the said Order in respect of the cost of transitional payments and administrative expenses attributable to such payments shall be defrayed out of moneys provided by Parliament, and the provisions of the said Article shall have effect accordingly.

2.—(1) This Act may be cited as the Transitional Payments Prolongation (Unemployed Persons) Act, 1932; and the Unemployment Insurance Acts, 1920 to 1931, and this Act may be cited together as the Unemployment Insurance Acts, 1920 to 1932.

Short title and extent

(2) This Act shall not extend to Northern Ireland.

CHAPTER 20.

An Act to abolish proceedings in ecclesiastical courts for enforcing liability to repair certain chancels and to substitute other proceedings in lieu thereof, and otherwise to amend the law relating to such liability. [25th April 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. After the commencement of this Act no proceedings to enforce liability to repair a chancel shall be brought in any ecclesiastical court, and any such proceedings as aforesaid which, but for the provisions of this Act, could only have been brought in an ecclesiastical court, shall be brought under and in accordance with the provisions of this Act.

Abolition of jurisdiction of ecclesiastical courts to enforce repair of chancels.

2.—(1) Where a chancel is in need of repair, the responsible authority may serve upon any person, who appears to them to be liable to repair the chancel, a notice in the prescribed form (hereafter in this Act referred to as a "notice to repair") stating in general terms the grounds on which that person is alleged to be liable as aforesaid, and the extent of the disrepair, and calling on him to put the chancel in proper repair.

Future proceedings to enforce liability to repair chancels.

(2) At any time after the expiration of a period of one month from the date when the notice to repair was served, the responsible authority may, if the chancel has not been put in proper repair, bring proceedings

against the person on whom the notice was served to recover the sum required to put the chancel in proper repair:

Provided that, on the application of the responsible authority made at any time after the service of the notice to repair, the court may, if satisfied that the chancel is in urgent need of repair and that no sufficient measures are being taken to put it in proper repair, give the responsible authority leave to bring such proceedings as aforesaid before the expiration of the said period and also leave to repair the chancel without prejudicing their claim in those proceedings.

(3) In any proceedings brought as aforesaid, the court, if it finds that the defendant would, but for the provisions of this Act, have been liable to be admonished to repair the chancel by the appropriate ecclesiastical court in a cause of office promoted against him in that court on the date when the notice to repair was served, shall give judgment for the responsible authority for such sum as appears to the court to represent the cost of putting the chancel in proper repair:

Provided that, if (in a case where such leave as aforesaid has not been given) it appears to the court that the defendant is and always has been ready and willing to put the chancel in proper repair but had not sufficient time to do so before the commencement of the proceedings, the court may adjourn the proceedings for such time as appears to the court to be sufficient to enable the defendant to put the chancel in proper repair, and if the chancel is put in proper repair within that time or such longer time as the court may allow, the court shall give judgment for the defendant.

General provisions as to proceedings under Act.

3.—(1) All proceedings brought under this Act with respect to liability to repair a chancel shall be brought in the county court for the district in which the chancel is situate, and notwithstanding anything in the County Courts Acts, 1888 to 1924, a county court shall have jurisdiction to determine any such proceedings whatsoever.

51 & 52 Vict. c. 43.

(2) The provisions of section one hundred and twenty-six of the County Courts Act, 1888 (which provides for the removal of matters from the county court to the High Court), shall apply to any such proceedings

as if the proceedings were a matter commenced in the county court under that Act.

(3) No appeal shall lie under section one hundred and twenty of the County Courts Act, 1888, from any determination or direction of a judge of county courts in any such proceedings without the leave of the judge, unless the claim in the proceedings is a claim for a sum exceeding twenty pounds.

(4) Without prejudice to the generality of the provisions of section one hundred and sixty-four of the County Courts Act, 1888, provision may be made by rules under that section enabling the court—

(*a*) to order a responsible authority bringing proceedings under this Act to give security for costs;

(*b*) in a case where judgment is given for the payment of a sum of money in respect of repairs not yet executed, to direct the money to be paid into court and to give any other directions necessary for the purpose of ensuring that the money is spent in executing the repairs;

and rules under that section may prescribe the form of the notice to repair and the manner in which it may be served.

Interpretation.

4.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Chancel" means the chancel of any church of or belonging to a benefice;

"Prescribed" means prescribed by county court rules;

"Responsible authority," in relation to a chancel, means the parochial church council of the parish in which the chancel is situate, or, in a case where there is no such council, the incumbent and churchwardens of that parish.

(2) For the purpose of this section the expressions "benefice," "church" and "parochial church council" have the meanings respectively assigned to them by the Interpretation Measure, 1925.

Short title, application and commencement.

5.—(1) This Act may be cited as the Chancel Repairs Act, 1932.

(2) This Act shall apply only to chancels situate in the province of Canterbury (excluding the Channel Islands) and the province of York (excluding the Isle of Man).

(3) This Act shall come into operation on the first day of January, nineteen hundred and thirty-three.

CHAPTER 21.

An Act to remove the incapacity of the President of the Board of Trade for being elected and sitting and voting as a member of the Commons House of Parliament, and to indemnify certain holders of that office from any penal consequence which they may have incurred by sitting or voting as members of the said House at any time while they were not capable of so doing as being holders of that office. [25th April 1932.]

9 Edw. 7. c. 23.

WHEREAS it is apprehended that since the coming into operation of the Board of Trade Act, 1909, persons holding the Office of President of the Board of Trade have not been capable of being elected, or of sitting or voting, as members of the Commons House of Parliament:

And whereas it is expedient to provide that the holders of the Office of President of the Board of Trade shall not be subject to that incapacity, and that the persons who have held the said office between the date on which the said Act came into operation and the passing of this Act shall be indemnified from all penal consequences which they have incurred by sitting and voting as members of the Commons House of Parliament:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

1. The Office of President of the Board of Trade shall not render the holder thereof incapable of being elected, or of sitting and voting, as a member of the Commons House of Parliament.

Removal of disqualification of President of Board of Trade for sitting in Parliament.

2. This Act shall be deemed to have had effect as from the coming into operation of the Board of Trade Act, 1909, and accordingly all persons who have at any time since that date held the Office of President of the Board of Trade shall be, and each and every of them is, hereby freed, discharged and indemnified from all penalties, incapacities and disabilities whatsoever incurred by them, or any or either of them, by reason of their sitting or voting as members of the Commons House of Parliament while holding the Office of President of the Board of Trade and shall be deemed to have been capable at all times of being elected to and sitting in the said House.

Indemnity of former Presidents.

3. This Act may be cited as the President of the Board of Trade Act, 1932.

Short title.

CHAPTER 22.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force. [28th April 1932.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and forty-eight thousand seven hundred, including those to be employed at the depots in the United Kingdom for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions, other than Aden:

7 & 8 Geo. 5 c. 51. And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty-two thousand, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid:

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny, or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and thirty-two on the following days:—

(*a*) In Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and (*b*) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Army and Air Force (Annual) Act, 1932.

Army Act and Air Force Act to be in force for specified times.

2.—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament, that is to say:—

(*a*) Within Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and thirty-two, to the thirtieth day of April, one thousand nine hundred and thirty-three, both inclusive; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and thirty-two, to the thirty-first day of July, one thousand nine hundred and thirty-three, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the First Schedule to this Act.

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS.

PART I.

AMENDMENTS OF THE ARMY ACT APPLICABLE ALSO (SUBJECT TO EXCEPTIONS AND MODIFICATIONS) TO THE AIR FORCE ACT.

Amendment of Army Act, ss. 114, 190.

4.—(1) Section one hundred and fourteen of the Army Act (which relates to the making of annual lists of persons liable to supply carriages and animals) shall be amended in the manner hereinafter mentioned.

(2) Subsection (1B) of the said section (which relates to the returns to be made by persons keeping horses) shall apply also to persons keeping mechanically propelled carriages and trailers, and accordingly in that subsection—

(i) For the words "With respect to horses, the following provisions shall have effect," there shall be substituted the words, "The provisions " of this subsection shall have effect with respect " to horses and mechanically propelled carriages " and trailers";

(ii) For the word "subsection," wherever that word occurs, there shall be substituted the word "paragraph"; for "(*b*) the" there shall be substituted "The"; and for the words from "(*c*) regulations made by" to "may provide" there shall be substituted the words "and the regulations so made may provide"; and

(iii) At the end of the subsection there shall be added the following paragraph:—

> "(*b*) The provisions of the foregoing paragraph shall apply in relation to mechanically propelled carriages and trailers as they apply in relation to horses."

(3) The subsections of the said section shall be renumbered and rearranged as follows, that is to say, subsection (1B) shall become subsection (1), subsections (1), (2) and (3) shall become subsections (2), (3) and (4) respectively, and subsections (1A), (3A) and (4) shall become subsections (5), (6) and (7) respectively.

PART I. —*cont.*

(4) At the end of paragraph (40A) of section one hundred and ninety of the Army Act (which said paragraph defines the expression " carriage ") there shall be added the words " and the expression ' trailer ' means " a carriage constructed or adapted for being drawn by " a mechanically propelled carriage."

Amendment of Army Act, s. 115.

5. Section one hundred and fifteen of the Army Act (which relates to the supply of carriages, vessels, &c., in a case of emergency) shall be amended as follows:—

(*a*) In subsection (3A), for the words " a motor car or other locomotive " there shall be substituted the words " a mechanically propelled carriage or trailer," and for the words " any other carriage or horse " there shall be substituted the words " any other carriage or any horse " ;

(*b*) At the end of subsection (7) there shall be added the following words, that is to say, " and as " respects any mechanically propelled carriage " or trailer so requisitioned for the purpose of " being purchased, two hundred and fifty miles " from the premises of the owner shall for the " purposes of subsection (3A) of this section be " the distance within which delivery may be " required."

Amendment of Army Act, s. 133.

6. Section one hundred and thirty-three of the Army Act, which provides that in any country in which operations against the enemy are being conducted certain powers of a Secretary of State with respect to prisons and detention barracks (including a power to appoint places to be used as such) may be exercised by the officer commanding-in-chief in the field, shall be amended by the addition thereto of the following subsection:—

" (2) The powers conferred by this section shall continue to be exercisable after the cessation of operations so long as the forces in the country in question are on active service."

Amendment of Army Act, s. 174A

7. For section one hundred and seventy-four A of the Army Act (which relates to the use without licences of service recreation rooms for public entertainments) the following section shall be substituted:—

" 174A.—(1) So much of any Act as operates to prohibit as respects particular days, or other-

Part I. —*cont.*

wise to restrict or regulate, the keeping, opening or using of premises for purposes of public entertainment or amusement shall not apply to the use, by authority of a Secretary of State or the Admiralty, of any building at a camp, station, or naval establishment, or of any ship, for entertainments or amusements under the direction and control of an officer or committee having official responsibility for such matters.

(2) For the purposes of this section, the expression "public entertainment or amusement" includes public dancing, singing or music, the public performance of stage plays and the giving of cinematograph exhibitions; and in the case of a building or ship which is used for the giving of cinematograph exhibitions, the keeping or storing of films shall be deemed to be part of the use thereof for the giving of the exhibitions."

Attaching of officers and soldiers to Dominion forces.

8.—(1) After section one hundred and seventy-nine A of the Army Act the following section shall be inserted :—

"179B.—(1) The Army Council may from time to time place any officers or soldiers of the regular forces at the disposal of the military authorities of a Dominion for the purpose of being attached temporarily by those authorities to a Dominion force, and while a person is so attached, he shall, to such extent as the law of the Dominion may provide, be subject to the military law of the Dominion:

Provided that, except while a state of war exists between His Majesty and any foreign power, the Army Council shall not so deal with an officer or soldier without his consent.

(2) While any reserve officer or retired officer, or any warrant officer, non-commissioned officer or man belonging to the army reserve force, is subject to military law, the foregoing provisions of this section shall apply in relation to him as they apply in relation to an officer or soldier of the regular forces."

(2) Section one hundred and seventy-nine B shall be renumbered as section one hundred and seventy-nine C.

Part I. —*cont.*

Amendments with respect to Dominions and Northern Ireland, and drafting and other minor amendments.

22 Geo. 5. c. 4. 10 & 11 Geo. 5. c. 67.

9. The amendments specified in the second column of the Second Schedule to this Act, being—

(*a*) as respects those contained in Part I of the said Schedule, amendments rendered necessary or desirable by the passing of the Statute of Westminster, 1931;

(*b*) as respects those contained in Part II of the said Schedule, amendments rendered necessary or desirable by the changes effected by and under the Government of Ireland Act, 1920, and by changes in the law in force in Northern Ireland; and

(*c*) as respects those contained in Part III of the said Schedule, drafting amendments designed to improve the wording of the Act by removing anachronisms and inconsistencies of language, or other amendments of a minor character,

shall be made in or, as the case may be, inserted after the sections of the Army Act specified in the first column of the said Schedule.

Application to Air Force Act.

10. References in the foregoing sections of this Part of this Act and in the Second Schedule to this Act to the Army Act shall be deemed to include references to the Air Force Act, and the provisions of the said sections and Schedule shall in their application to the Air Force Act have effect subject to any express exceptions specified in the said Schedule, to any of the general modifications set out in Part I of the Second Schedule to the Air Force (Constitution) Act, 1917, which apply, and to the following special modifications, viz., that for the expression "the military law of the Dominion" in section eight of this Act there shall be substituted the expression "the air force law of the Dominion", and that paragraphs (i), (ii), and (iii) of subsection (1B) of section one hundred and fourteen of the Air Force Act shall be deemed to have been enacted as paragraphs (*a*), (*b*) and (*c*) respectively.

Part II.

Amendments of the Army Act.

Provisions as to attached personnel.

11.—(1) Subsection (2) of section one hundred and seventy-nine A of the Army Act (which relates to the attachment to the regular forces of officers and airmen

Part II. —*cont.*

of the air force) shall be amended by the addition, at the end thereof, of the following paragraphs:—

> "(*h*) Nothing in this Act shall affect the application to any such airman of section one hundred and forty-five of the Air Force Act;
>
> (*i*) Sections one hundred and thirty-six to one hundred and forty-four of this Act shall apply to any such officer or airman as if he were an officer or soldier of the regular forces, and for the purposes of their application to any such airman the references in paragraph (8) of section one hundred and thirty-eight of this Act to the Army Council and to this Act shall be construed as references to the Air Council and to section one hundred and forty-five of the Air Force Act, and paragraph (*d*) of this subsection shall not apply in relation to the said sections one hundred and thirty-six to one hundred and forty-four."

(2) In subsection (2) of section one hundred and forty-five of the Army Act, for the words "this Act" there shall be substituted the words "any Act".

Amendment of Army Act, s. 183.

12. The power of the Army Council under sections one hundred and eighty-two and one hundred and eighty-three of the Army Act to reduce a warrant officer or non-commissioned officer to any lower grade or to the ranks which, in the case of the forces serving in India, is exercisable also by the Commander-in-Chief of those forces or by such officer as he, with the approval of the Governor-General, may appoint, shall, in the case of forces serving elsewhere outside the United Kingdom, be exercisable also by the officer commanding the forces, if he is not below the rank of major-general and is appointed for that purpose by the Army Council; and, accordingly, the following amendments shall be made in paragraph (2) of the said section one hundred and eighty-three (that is to say):—

(i) For the words "and in India" there shall be substituted the words "and (*a*) in India";

(ii) After the words "may appoint," where those words first occur, there shall be inserted the words—

> "(*b*) elsewhere outside the United Kingdom, the officer commanding the forces, if

not below the rank of major-general and if appointed for that purpose by the Army Council"; and

(iii) For the words "and on active service" there shall be substituted the words "and (*c*) on active service".

Part III.

Amendments of the Air Force Act.

Provisions as to attached personnel.

13.—(1) Section one hundred and seventy-nine of the Air Force Act (which relates to officers and airmen when serving on board His Majesty's ships) shall be amended by the addition thereto of the following proviso:—

"(*d*) Any such airman shall, if he is an airman of the regular air force, continue to be subject to the provisions of section one hundred and forty-five of this Act."

(2) Subsection (2) of section one hundred and seventy-nine A of the Air Force Act (which relates to the attachment to the air force of naval or military officers, seamen and soldiers) shall be amended by the addition at the end thereof of the following paragraphs:—

"(*i*) Nothing in this Act shall affect the application to any such petty officer, non-commissioned officer, seaman or soldier of section one hundred and forty-five of the Army Act or the corresponding provisions in the Acts relating to the naval forces;

(*j*) Sections one hundred and thirty-six to one hundred and forty-four of this Act shall apply to any such officer, petty officer, non-commisioned officer, seaman or soldier as if he were an officer or airman of the regular air force, and for the purposes of their application to any such petty officer, non-commissioned officer, seaman or soldier, the references in paragraph (8) of section one hundred and thirty-eight of this Act to the Air Council and to this Act shall, as the case may require, be construed as references to the Army Council or the Admiralty and to section one hundred and forty-five of the Army Act or the corresponding provisions of the Acts relating to

Part III. —*cont.*

the naval forces, and paragraphs (*e*) and (*f*) of this subsection shall not apply in relation to the said sections one hundred and thirty-six to one hundred and forty-four."

Minor and consequential amendments of Air Force Act.

(3) In subsection (2) of section one hundred and forty-five of the Air Force Act, for the words "this Act" there shall be substituted the words "any Act".

14. The amendments specified in the second column of the Third Schedule to this Act (being amendments of a similar character to amendments made by this Act in the corresponding sections of the Army Act) shall be made in the sections of the Air Force Act pecified in the first column of the said Schedule.

Part IV.

Construction and Printing of Amendments.

Construction and printing of amendments to Army and Air Force Acts.

15.—(1) Amendments of the Army Act contained in this or any other Act continuing the Army Act shall, subject to any express provision to the contrary, come into operation in any place as from the date from which the Army Act is by this or that other Act continued in that place.

(2) A reference in any enactment (whether passed before or after this Act) to the Army Act shall, unless the context otherwise requires, be construed to refer to the Army Act as amended by any enactment for the time being in force.

(3) Where any enactments or words are directed by this Act or by any other Act (whether passed before or after this Act) to be substituted in the Army Act for any other enactments or words, or to be added to or omitted from the Army Act, then all copies of the Army Act printed after the direction takes effect shall be printed with the said enactments or words added to the said Act, or omitted therefrom, or inserted therein in lieu of the enactments or words for which they are to be substituted, according as the direction requires, and with the sections and subsections numbered in accordance with the direction and with such alterations in cross-headings as the Clerk of the Parliaments may certify to be necessary or expedient in consequence of the amendments so made; and the Army Act shall be construed as if it had, at the time at which the direction takes

effect, been enacted with those additions, omissions or substitutions.

PART IV. —*cont.*

(4) References in the foregoing provisions of this section to the Army Act shall be deemed to include references to the Air Force Act.

(5) The Acts mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Section 3.

PRICES IN RESPECT OF BILLETING.

Accommodation to be provided.	Maximum price.
Lodging and attendance for a soldier where meals furnished.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.
Breakfast as specified in Part I. of the Second Schedule to the Army Act.	Sevenpence each.
Dinner as so specified - - - -	Tenpence.
Supper as so specified - - - -	Fourpence.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw a day for each horse.	Two shillings and threepence a day.
Stable room without forage - - -	Sixpence a day.
Lodging and attendance for an officer -	Three shillings a night.

Note.—An officer shall pay for his food.

In the application of this Schedule to the Air Force, references to the Air Force Act and to an airman shall be substituted for references to the Army Act and to a soldier.

Sections 9, 10.

SECOND SCHEDULE.

AMENDMENTS OF THE ARMY ACT APPLICABLE ALSO (UNLESS OTHERWISE EXPRESSLY PROVIDED) TO THE AIR FORCE ACT.

PART I.

Amendments consequential upon the passing of the Statute of Westminster, 1931.

1. Section.	2. Amendments to be made.
S. 4	In paragraph (6), for the words " His Majesty's forces or any part thereof " there shall be substituted the words " His Majesty's forces, or any forces co-operating therewith, or any part of any such force ".
S. 6	In paragraph (*d*) of subsection (3), after the word " forces " there shall be inserted the words " whether His Majesty's forces or forces co-operating therewith "; and in paragraph (*e*) for the words " the forces " there shall be substituted the words " any such force as aforesaid ".
S. 7	In paragraph (1), after the word " forces " there shall be inserted the words " (including any Dominion force) ". In paragraphs (2) (3) and (4), for the words " any of His Majesty's military, naval or air forces," wherever they occur, there shall be substituted the words " any such force as aforesaid ".
S. 23	In paragraph (2), after the words " His Majesty's forces " there shall be inserted the words " (including any Dominion force)".
S. 41	For the words " Provided as follows :—(*a*) A person " there shall be substituted the words " Provided that a person ". Proviso (*b*) shall be omitted, and at the end of the section there shall be added the following section :— " 41A. *Saving for jurisdiction of civil courts.*—Nothing in this Act affects any jurisdiction of any civil court to try a person subject to military law for any offence."

1. Section.	2. Amendments to be made.
S. 60	In subsection (1), after the words "if in the United Kingdom" there shall be inserted the words "or a "Dominion, the law of which does not provide for "the civil custody of military convicts", and after the words "if in India", there shall be inserted the words "or a Dominion, the law of which provides for the civil custody of military convicts".
S. 64	After subsection (3) there shall be inserted the following subsection:— "(3A) A military prisoner or soldier under sentence of detention who was sentenced in a Dominion shall undergo his sentence either in that Dominion, or in the United Kingdom, or in such other place as may be prescribed."
S. 68	In subsection (2), after the words "unless the context otherwise requires," there shall be inserted the words "and subject to the provisions of the next succeeding section", and in paragraph (*h*) of the subsection, after the words "in India" there shall be inserted the words "a Dominion".
	After section 68 the following section shall be inserted:— "68A. *Application of certain provisions of Act in a Dominion.*—The provisions of this Act relating to the execution of sentences shall in relation to a Dominion, the law of which provides for the provisional detention by the authorities of the Dominion of military convicts, military prisoners or soldiers sentenced to detention, or for the imprisonment of military prisoners in the prisons of the Dominion, have effect subject to the following modifications:— "(1) the expression 'civil custody' shall include custody of the authorities of the Dominion, whether civil or not, and the expression 'military custody' shall not include the custody of the military authorities of the Dominion:

2nd Sch. —*cont*

1. Section.	2. Amendments to be made.
S. 68—*cont.*	"(2) the reference in subsection (1) of section sixty-three to a civil prison shall be construed as including a reference to any prison of the Dominion in which a military prisoner under this Act can under the law of the Dominion lawfully be imprisoned: (3) any provision which expressly or by implication confers a power or imposes a duty on any person to order the committal or transfer to civil custody of a military convict, military prisoner or soldier sentenced to detention, or the release or transfer from civil custody of such a convict, prisoner or soldier, shall be construed as also conferring a power or imposing a duty to take in appropriate cases the proper steps under the law of the Dominion to secure committal or transfer to, or transfer from, or release from, the custody of the authorities of the Dominion."
S. 94	After the words "the Governor General of India; and" there shall be inserted the following sub-paragraph:—"In a Dominion, any person duly authorised in that "behalf by His Majesty's Government in the Dominion; "and"; and for the words "Beyond the limits of the United Kingdom, India and a colony" there shall be substituted the words "Out of His Majesty's dominions".
S. 126	After subsection (3) there shall be added the following subsection:— "(4) If in the case of a court martial held in a Dominion a person not subject to military law is guilty of any such conduct as is mentioned in this section, the steps, if any, to be taken to secure his punishment shall be such steps as may be competent for the purpose under the law of the Dominion."

1. Section.	2. Amendments to be made.
S. 129	At the end of the section there shall be inserted the following paragraph (not separately numbered) :— “ If in the case of a court martial held in a Dominion a counsel contravenes any rule made under this Act with respect to the conduct of counsel at courts martial, the steps, if any, to be taken to secure his punishment shall be such steps as may be competent for the purpose under the law of the Dominion.”
S. 163	In sub-paragraph (*b*) of subsection (1), for the words “ His Majesty’s forces ”, in the first place where those words occur, there shall be substituted the words “ His Majesty’s forces (including any Dominion force) ”; and for the same words, wherever they subsequently occur, there shall be substituted the words “ those forces ”.
S. 175	After paragraph (12) there shall be inserted the following paragraph :— “ (13) Any member of a Dominion force who, by virtue of any enactment relating to the attachment of such persons, is subject to military law as an officer, subject, however, to any adaptations and modifications for which provision is made by, or under, that enactment.”
S. 176	After paragraph (11) there shall be inserted the following paragraph :— “ (12) Any member of a Dominion force who, by virtue of any enactment relating to the attachment of such persons, is subject to military law as a soldier, subject, however, to any adaptations and modifications for which provision is made by, or under, that enactment.”
S. 187A	For this section there shall be substituted the following section :— “ 187A. *Application of Act to mandated territories*.—This Act shall apply— (*a*) in relation to any territory in respect of which a mandate on behalf of the League of Nations is being exercised by His Majesty’s Government in the

2ND SCH. —*cont*

1. Section. | 2. Amendments to be made.

S. 187A—*cont*.

United Kingdom, in like manner as it applies in relation to a British protectorate :

(*b*) in relation to any territory in respect of which such a mandate is being exercised by His Majesty's Government in a Dominion, in like manner as it applies in relation to that Dominion."

S. 187B After section 187B there shall be inserted the following section :—

"187C.—(1) *Application of Act to certain Dominions.*—The Dominions to which this section applies are the Commonwealth of Australia, the Dominion of New Zealand and Newfoundland.

(2) Until the date on which the Parliament of a Dominion to which this section applies adopts section four of the Statute of Westminster, 1931, and until such later date, if any, as may be fixed by the adopting Act for the adoption to take effect, the provisions of this Act shall apply in relation to, and in relation to forces raised in, that Dominion as they apply in relation to, and in relation to forces raised in, any other part of His Majesty's dominions which is situate outside the United Kingdom and British India and is not a Dominion."

S. 189 In subsection (2), after the word "serving," where that word occurs for the second time, there shall be inserted the words "in a Dominion or".

In subsection (6), for the words "out of His Majesty's Dominions" there shall be substituted the words: "in a Dominion or out of His Majesty's dominions".

S. 190 In paragraph (4), after the word "law" there shall be inserted the words "and (*d*) any officer of a Dominion force who is for the time being subject to military law":

After paragraph (7) there shall be inserted the following paragraph—"(7A) The expressions 'the forces' and 'His Majesty's forces' do not include His Majesty's Dominion forces."

The preceding amendment does not apply in the case of the Air Force Act.

1. Section. 2. Amendments to be made.

S. 190 —*cont.* For paragraph (23) the following paragraphs shall be substituted:—

> "(23) The expression 'Dominion' means any of the following Dominions, that is to say,—the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, and Newfoundland:
>
> (23A) The expression 'colony' means any part of His Majesty's dominions exclusive of the United Kingdom, of British India and of any Dominion, and includes any British protectorate:"

In paragraph (24), after the words "the United Kingdom" there shall be inserted the words "a Dominion" and the words "as above defined" shall be omitted.

Part II.

Amendments relating to Northern Ireland.

S. 91 In subsection (1), the words "in the case of England or Scotland" where they first occur, and the words "and, "in the case of Northern Ireland, at the institution in "which persons settled in the said poor law area are "received" shall be omitted; and at the end of the proviso to the subsection there shall be added the words "or, if that area extends into two or more mental "hospital districts, to the mental hospital of that one "of those districts to which from such available "information as aforesaid, the soldier appears to the "Army Council, or officer deputed by them, to belong."

In subsection (4), after the words "the cost of the maintenance of any such person" there shall be inserted the words "in England or Scotland".

S. 108A In subsection (1), the words "and also in Ireland the "Lord Lieutenant by a like order signified by the Chief "Secretary or Under Secretary" shall be omitted.

For paragraph (*c*) of subsection (5) there shall be substituted the following paragraph:—"(*c*) In Northern Ireland means a county inspector of the Royal Ulster Constabulary."

In paragraph (*c*) of subsection (6), for the words "In Ireland" there shall be substituted the words "In Northern Ireland".

2nd Sch. —*cont.*

1. Section.	2. Amendments to be made.
S. 115	In subsection (1), the words "and also in Ireland the "Lord Lieutenant by a like order signified by the "Chief Secretary or Under Secretary" shall be omitted.
S. 122	In subsection (6), the words "the Lord Lieutenant of Ireland" shall be omitted.
S. 166	In subsections (5) and (6), for the words "in Ireland" there shall be substituted the words "in Northern Ireland".
S. 174	In subsection (1), there shall be inserted at the beginning the words "In Northern Ireland"; for the words "to grant, transfer or renew any licence" there shall be substituted the words "to grant any certificate"; for the words "to obtain or hold" there shall be substituted the words "to obtain the grant, transfer or renewal of and to hold"; the word "certificates" shall be omitted; for the words "such licences" there shall be substituted the words "such certificates"; for the words "may be granted" there shall be substituted the words "may upon production of such certificates be granted," and subsection (2) shall be omitted.
S. 185	For this section there shall be substituted the following section:— "185. *Special provisions as to prisoners and prisons in Northern Ireland.*—The jurisdiction and powers of a Secretary of State under this Act with respect to military convicts or military prisoners, or to prisons other than military prisons, shall in Northern Ireland be exercisable only subject to the approval of the Ministry of Home Affairs for Northern Ireland."
S. 190	Paragraph (2) shall be omitted. In paragraph (29), for the words "at Dublin" there shall be substituted the words "in Northern Ireland". In paragraph (37) for the word "Ireland" there shall be substituted the words "Northern Ireland".

PART III.

Drafting and other minor amendments.

S. 11	For the words "His Majesty's regulations and orders for the army, or any similar order" there shall be substituted the words "the King's Regulations for the Army, or any order". The preceding amendment does not apply in the case of the Air Force Act.

1. Section.	2. Amendments to be made.
S. 17	For the words " any public or regimental money or goods," there shall be substituted the words " any public, regimental or garrison property," and for the words " any such goods " there shall be substituted the words " any such property ". The preceding amendments to section 17 do not apply in the case of the Air Force Act.
S. 18	For paragraph (4) there shall be substituted the following paragraph :— " (4) Steals, embezzles or fraudulently misapplies or receives, knowing it to have been stolen or embezzled, any property belonging to a person subject to military law, or belonging to any regimental band, regimental or garrison mess or regimental or garrison institution, or to the Navy, Army and Air Force Institutes, or any public property ; or " The preceding amendment does not apply in the case of the Air Force Act.
S. 24	In paragraph (4), for the words from "or to any regimental mess " to the end of the paragraph, there shall be substituted the words " or to any regimental band, " regimental or garrison mess, or regimental or garrison " institution, or to the Navy, Army and Air Force " Institutes, or any public property ; or " The preceding amendment does not apply in the case of the Air Force Act.
S. 32	In subsection (2) the words " discharged as incorrigible and worthless " shall be omitted.
S. 40	For the words " part of this Act " there shall be substituted the words " section of this Act."
S. 44	For sub-paragraph (*g*) there shall be substituted the following sub-paragraph :— " (*g*) Severe reprimand or reprimand ; " For sub-paragraphs (*m*) and (*mm*) there shall be substituted the following sub-paragraphs :— " (*m*) In the case of a non-commissioned officer, reduction to the ranks or to a lower grade, or forfeiture, in the prescribed manner, of seniority of rank ; (*mm*) In the case of a non-commissioned officer, severe reprimand or reprimand ; "

2ND SCH. —*cont.*

1. Section.	2. Amendments to be made.
S. 44 —*cont.*	In proviso (2A), for the words “ good or faithful ” there shall be substituted the words “ good and faithful ”. The preceding amendment does not apply in the case of the Air Force Act. In proviso (3), for the words “ to reprimand or severe reprimand ” there shall be substituted the words “ to be severely reprimanded or reprimanded ”.
S. 46	In subsection (9), after the words “ King's Regulations ” there shall be inserted the words “ for the Army.” The preceding amendment does not apply in the case of the Air Force Act.
S. 48	In paragraph (8), for the word “ prisoner ” there shall be substituted the word “ person ”.
S. 49	In subsection (2), for the word “ prisoner ” there shall be substituted the word “ person ”.
S. 54	In paragraph (*d*) of subsection (1), the words “ or until ” shall be omitted, and in subsection (3) for the word “ discharged ” there shall be substituted the word “ released ”.
S. 56	In subsections (1) and (2), the words “ money or ” shall be omitted, and in subsection (6) after the words “ if he had been tried by a civil court,” there shall be inserted the words “ in England for such an offence committed in England ”.
Ss. 57, 73, 183	For the words “ such officer as the Commander-“ in-Chief of the forces in India, with the approval of “ the Governor-General of India in Council, may “ appoint ” (wherever those words occur in the said sections) there shall be substituted the words “ such “ officer as he, with the approval of the Governor-“ General, may appoint ”. The preceding amendment does not, in the case of any of three sections mentioned, apply in the case of the Air Force Act.
S. 57A	In subsection (4), for the word “ discharged ” there shall be substituted the word “ released ”.
S. 73	In subsection (3), for the words “ in the case of a colony and elsewhere ” there shall be substituted the words “ elsewhere outside the United Kingdom ” and for the words “ or a colony or elsewhere ” there shall be substituted the words “ or elsewhere outside the United Kingdom.” The preceding amendments to s. 73 (3) do not apply in the case of the Air Force Act.

1. Section.	2. Amendments to be made.
S. 74	In subsection (1), for the word " abroad " there shall be substituted the words " out of the United Kingdom ".
S. 83	In paragraph (5), for the word " home " there shall be substituted the words " to the United Kingdom ". The preceding amendment does not apply in the case of the Air Force Act.
S. 84	In subsection (1), in the expression " twenty-one years of army service " the words " of army " shall be omitted. The preceding amendment does not apply in the case of the Air Force Act.
S. 102	For the words " this realm " there shall be substituted the words " the United Kingdom ".
S. 129	For the words from " Whereas " to " respecting " there shall be substituted the words " The following provisions shall have effect with respect to ", and the words " be it therefore enacted as follows " shall be omitted.
S. 137	In paragraph (4), for the words " public or regimental property " there shall be substituted the words " public, " regimental or garrison property, or property belonging " to the Navy, Army and Air Force Institutes ". The preceding amendment does not apply in the case of the Air Force Act.
S. 140	In subsection (2), for the words " And any such " there shall be substituted the words " Any such".
S. 143	In subsection (2), after the words " When any " there shall be inserted the words " officers and " ; for the words " his soldiers " there shall be substituted the words " his officers and soldiers " and for the words " for himself," in the first place where they occur, there shall be substituted the words " for each officer, including himself ". The preceding amendments to s. 143 (2) do not apply in the case of the Air Force Act.
S. 156	Subsection (3) shall be omitted.
S. 163	In sub-paragraph *(b)* of subsection (1), the words " the Commissioners of " shall be omitted.

2nd Sch. —*cont.*

1. Section.	2. Amendments to be made.
S. 167	In subsection (2), the words from " and the conviction " to the end of the subsection shall be omitted.
S. 179	Paragraph (20) shall be omitted. The preceding amendment does not apply in the case of the Air Force Act.
S. 182	In sub-paragraph (*a*) of paragraph (2), for the words " reprimanded or severely reprimanded " there shall be substituted the words " severely reprimanded or reprimanded ", and for the words from " or to be reduced to the bottom " to the end of the sub-paragraph there shall be substituted the words " or, if he was originally " enlisted as a soldier but not otherwise, to be reduced " to the ranks, or in any case, to be reduced to a lower " grade, or to an inferior class of warrant officer (if any), " or to the bottom or any other place in the list of " the rank which he holds ; or ".
S. 183	In paragraph (2), for the words " to any lower grade or to the ranks " there shall be substituted the words " to the ranks or to any lower grade "; and in paragraph (3), for the words " to forfeit seniority of " rank, or be reduced to any lower grade, or to the " ranks ", there shall be substituted the words " to " be reduced to the ranks, or to any lower grade, " or to forfeit seniority of rank ".
S. 190	After the words " if not inconsistent with the context " there shall be inserted the words " and subject to any express provision to the contrary ". In paragraph (4), for the words " it also includes a person ", where those words first occur, there shall be substituted the words " and includes also (*a*) a person "; for the same words, where they occur for the second time, there shall be substituted the words " (*b*) a person "; for the words " it also includes any officer " there shall be substituted the words " (*c*) any officer "; In paragraph (8), for the words " The expressions ' regular forces ' and ' His Majesty's regular forces ' mean " there shall be substituted the words " The expression ' regular forces ' means ". The preceding amendment does not apply in the case of the Air Force Act.

1. Section.	2. Amendments to be made.
S. 190 —*cont.*	After paragraph (20) there shall be inserted the following paragraph :— "(20a) The expression 'United Kingdom' includes (subject, however, to the provisions of section one hundred and eighty-seven of this Act) the Channel Islands and the Isle of Man :" Paragraph (25) shall be omitted. After paragraph (33) there shall be inserted the following paragraph :— "(33a) The expression 'steals' has the same meaning as it has for the purposes of the Larceny Act, 1916" For paragraph (34) there shall be substituted the following paragraph :— "(34) The expression 'Summary Jurisdiction Acts' :— (*a*) as regards England and Northern Ireland, has the meaning assigned to it by the Interpretation Act, 1889; and (*b*) as regards Scotland, means the Summary Jurisdiction (Scotland) Act, 1908, and any enactment amending that Act." For sub-paragraphs (*a*) to (*c*) of paragraph (35) there shall be substituted the following sub-paragraphs :— "(*a*) as regards England and Northern Ireland, has the meaning assigned to it by the Interpretation Act, 1889; (*b*) as regards Scotland, means a court within the meaning of the Summary Jurisdiction (Scotland) Act, 1908; and"
Throughout the Act.	For the words "His Majesty's regular forces," wherever they occur, there shall be substituted the words "the regular forces." The preceding amendment does not apply in the case of the Air Force Act.
Throughout the Act.	For the words "beyond the seas", wherever they occur, there shall be substituted the words "out of the United Kingdom".

Section 14.

THIRD SCHEDULE.

AMENDMENTS OF THE AIR FORCE ACT.

1. Section.	2. Amendments to be made.
S. 11	For the words "His Majesty's regulations and orders for the air force or any similar order" there shall be substituted the words "the King's Regulations for the Air Force or any order".
S. 17	For the words "money or goods" there shall be substituted the word "property," and for the words "such goods" there shall be substituted the words "such property".
S. 18	For paragraph (4) there shall be substituted the following paragraph:— "(4) steals, embezzles, or fraudulently misapplies or receives, knowing it to have been stolen or embezzled, any property belonging to a person subject to this Act, or to any service mess or band, or to any service institution, or to the Navy, Army, and Air Force Institutes, or any public property; or"
S. 24	In paragraph (4), after the words "service institution" there shall be inserted the words "or to the Navy, Army and Air Force Institutes".
S. 46	In subsection (9), after the words "the King's Regulations," there shall be inserted the words "for the Air Force".
S. 84	In subsection (1), in the expression "twenty-four years of air force service," the words "of air force" shall be omitted.
S. 137	In paragraph (4), after the words "service property" there shall be inserted the words "or property "belonging to the Navy, Army and Air Force "Institutes".
S. 143	In subsection (2), after the words "When any" there shall be inserted the words "officers and"; for the words "his airmen" there shall be substituted the the words "his officers and airmen"; and for the words "for himself," in the first place where they occur, there shall be substituted the words "for each officer, including himself".

3rd Sch
—*cont.*

1. Section.	2. Amendments to be made.
S. 181	In subsection (6), for the word "private" there shall be substituted the word "aircraftman".
S. 190	In paragraph (4) (as amended in accordance with the preceding Schedule), for the words "subject to air-force law" there shall be substituted the words "subject to this Act". In paragraph (8), for the words "The expressions "'regular air force' and 'His Majesty's regular air "force' mean" there shall be substituted the words "The expression 'regular air force' means". At the end of paragraph (45) there shall be added the words "other than Dominion forces."
Throughout the Act.	For the words "His Majesty's regular air force" there shall be substituted the words "the regular air force".

FOURTH SCHEDULE.

Section 15.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
48 Vict. c. 8.	The Army (Annual) Act, 1885.	Section eight.
4 Edw. 7. c. 5.	The Army (Annual) Act, 1904.	Section fourteen.
7 & 8 Geo. 5. c. 51.	The Air Force (Constitution) Act, 1917.	Subsections (4) and (5) of section twelve.
10 Geo. 5. c. 7.	The Army and Air Force (Annual) Act, 1920.	Section twenty-seven.
15 Geo. 5. c. 25.	The Army and Air Force (Annual) Act, 1925.	Section fourteen.

CHAPTER 23.

An Act to make further provision for the protection of the Grey Seal. [12th May 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Close season for grey seals.

1.—(1) Subject as hereinafter provided, there shall be, both in England and in Scotland, an annual close season for grey seals, that is to say, seals of the species known as *Halichœrus grypus*, extending from the first day of September to the thirty-first day of December, both inclusive:

Provided that, in the case of England, the Minister of Agriculture and Fisheries and, in the case of Scotland, a Secretary of State, may at any time by order direct, either generally or as respects any area described in the order, that, notwithstanding anything in the foregoing provision—

(*a*) there shall be no close season during the twelve months next following the making of the order; or

(*b*) the next close season shall commence and end on such dates as may be specified in the order.

(2) An order made under this section which renders lawful the killing of grey seals during any part of the period specified in subsection (1) shall contain regulations providing for the grant and revocation of permits by the Minister or the Secretary of State and prohibiting such killing except—

(*a*) by persons holding permits; and

(*b*) in such manner and by means of such weapon or instrument as may be specified in the regulations.

(3) It shall not be competent to make any order under this section applying to the islands of Haskeir

Mor and Haskeir Beig, in the Outer Hebrides, or to any place within three miles of any part of these islands, other than an order extending the period specified in subsection (1) of this section.

(4) Before any order is made under this section, the draft thereof shall be laid before each House of Parliament for a period of not less than forty-eight days during the session of Parliament and, if a resolution disapproving the draft or any part thereof is passed by either House of Parliament before the expiration of that period, no further proceedings shall be taken on the draft, but if no such resolution is passed, the Minister, or, as the case may be, the Secretary of State may at the expiration of the said period make an order in the terms of the draft, and an order so made shall have effect as if enacted in this Act.

Offences in relation to grey seals during close season.

2.—(1) Every person who—

(*a*) during the close season knowingly and with intent kills, wounds or takes a grey seal; or

(*b*) being an owner, master, charterer or hirer of a boat uses, or permits any person to use, it for the purpose of killing, wounding or taking a grey seal during the close season; or

(*c*) contravenes any such regulation as is mentioned in subsection (2) of the preceding section;

shall be guilty of an offence under this Act and shall on summary conviction be liable—

(i) in the case of offences under paragraph (*a*) of this subsection, to a fine not exceeding five pounds in respect of each such offence; and

(ii) in the case of offences under paragraph (*b*) or paragraph (*c*) of this subsection, to a fine not exceeding ten pounds in respect of each such offence.

(2) For the purposes of this section the expression "close season" means the period for the time being fixed by, or by order made under, this Act as the close season for the place where a grey seal is killed, wounded or taken, or, as the case may be, where a boat is used

for the purpose of killing, wounding or taking a grey seal.

Short title, repeals and extent.

3.—(1) This Act may be cited as the Grey Seals Protection Act, 1932.

4 & 5 Geo. 5. c. 3.
22 & 23 Geo. 5. c. 2.

(2) The Grey Seals Protection Act, 1914, and the reference to that Act in Part I of the Second Schedule to the Expiring Laws Act, 1931, are hereby repealed.

(3) This Act shall not extend to Northern Ireland.

CHAPTER 24.

An Act to secure to growers of home-grown millable wheat a standard price and a market therefor; to make provision for imposing on millers and importers of flour obligations to make payments calculated by reference to a quota of such wheat and as to the disposal of the moneys thereby received; to provide for such millers being required to purchase unsold stocks of such wheat; and for purposes connected with the matters aforesaid. [12th May 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions for securing to growers of millable wheat a standard price and a market therefor.

1.—(1) If, in any cereal year, the ascertained average price of home-grown millable wheat is less than the standard price, every registered grower shall, subject to the provisions of this Act and of any regulations or byelaws made thereunder, be entitled to receive from the Wheat Commission in respect of every hundredweight of such wheat of his own growing sold by him in that year, not being wheat harvested before the year nineteen hundred and thirty-two, a payment (hereinafter referred to as a "deficiency payment") representing, subject to the deduction to be made under the provisions of this Act relating to administrative expenses, the difference (hereinafter referred to as the "price deficit") between the said average price and the standard price:

Provided that, if in any cereal year the quantity of home-grown millable wheat of their own growing sold by registered growers exceeds the anticipated supply of such wheat for that year, each registered grower shall be entitled to receive deficiency payments for that year in respect only of that number of hundredweights which bears to the number of hundredweights of such wheat of his own growing sold by him in that year the same proportion as the said anticipated supply bears to the quantity of home-grown millable wheat of their own growing sold by registered growers in that year.

(2) For the purposes of this Act wheat sold by a registered grower shall be deemed to be of his own growing if it was grown on land forming part of a farm of which he was the occupier at the date of the sale, so, however, that no wheat shall be deemed to be of his own growing if it has been removed from the farm before being despatched on delivery after the sale, otherwise than in accordance with the byelaws of the Wheat Commission.

(3) If in the month of June in any year after the year nineteen hundred and thirty-two the Wheat Commission make a representation to the Minister that it is expedient that any stocks of home-grown millable wheat then harvested, being wheat sown during the last preceding cereal year, should be bought by the Flour Millers' Corporation, the Minister may, by order made before the end of the cereal year in which the representation was made, require that corporation to buy from the registered growers to whom the order relates such part of those stocks as remains unsold by them when the order comes into force:

Provided that the orders made under this subsection in any cereal year shall not require the Flour Millers' Corporation to buy more than twelve-and-a-half per cent. of the anticipated supply for that year.

(4) Any order made under the last foregoing subsection shall specify a price, not exceeding the standard price, estimated by the Minister, after consultation with the Wheat Commission, to be, as nearly as may be, the price which would, in the area to which the order relates and at the date on which the order comes into force,

be obtained by a willing seller from a willing buyer for home-grown millable wheat of fair average quality, and all wheat to be bought from a registered grower in pursuance of the requirements of any such order shall be bought at such prices as may be determined according to quality and market conditions, by reference to the price specified in the order, in accordance with the byelaws of the Wheat Commission.

Any such order shall also specify the period within which the wheat to which the order relates is to be bought by the Flour Millers' Corporation, and that corporation shall take delivery thereof within that period.

(5) If, within the period within which any wheat is required by an order made under this section to be bought, or within such further time as the Wheat Commission may, on the application of the corporation made within that period, allow, objection is made, in such manner as may be provided by the byelaws of the Wheat Commission, by or on behalf of the Flour Millers' Corporation, that any of that wheat—

(*a*) is not home-grown; or

(*b*) is not millable wheat; or

(*c*) is not of the quality according to which the price has been so determined as aforesaid;

then, if it is determined by arbitration in accordance with the said byelaws that the wheat objected to is not home-grown millable wheat, the order shall cease to have effect as respects that wheat, or if it is so determined that the wheat objected to, though home-grown millable wheat, is of lower quality than that according to which the price has been determined, the requirements of the order shall be deemed to be complied with as respects that wheat if it is bought by the corporation at such lower price as the arbitrator may allow.

(6) If any person from whom the Flour Millers' Corporation have been required by an order made under this section to buy any stocks of wheat proves with respect to any quantity of such wheat—

(*a*) that default has been made by the corporation in buying and taking delivery of that quantity within the period specified in the order or within such further time as the Minister may, on the application of the corporation made within that period, have allowed; and (*b*) either that no objection that the quantity is not a quantity of home-grown millable wheat has been duly made in accordance with the provisions of the last foregoing subsection or that the quantity has been determined in accordance with those provisions to be a quantity of home-grown millable wheat; and

(*c*) that he was at all material times ready and willing to sell and deliver the quantity to the corporation at the price determined or allowed in accordance with the foregoing provisions of this section;

he shall be entitled to recover as a debt due to him from the corporation a sum equal to the amount which would have been payable for the quantity if it had been bought at the price so determined as aforesaid, and upon any sum being so recovered, or becoming payable under a judgment given therefor, the wheat in respect of which the sum was recovered, or judgment given, shall be forfeited to the Wheat Commission, who may dispose of it as they think fit.

The Wheat Commission may, if they think fit, take proceedings as trustees for all or any persons entitled to take proceedings for the recovery of any sums due to them under this subsection; and, without prejudice to any other remedy, any sums recoverable under this subsection may be recovered summarily as a civil debt.

(7) Any wheat which is bought from a registered grower by the Flour Millers' Corporation in accordance with the requirements of an order made under this section, or which is forfeited to the Commission under the last foregoing subsection, shall be deemed for the purposes of subsections (1) and (2) of this section to have been sold by that grower on the date on which the order came into force.

(8) The Flour Millers' Corporation may make arrangements for the purchase by any person on their behalf of wheat required by any such order as aforesaid to be bought by the corporation, and any wheat bought in pursuance of the requirements of any such order may be sold or otherwise disposed of by the corporation in such manner as they think fit.

Determination of "ascertained average price," "standard price" and "anticipated supply" of home-grown millable wheat.

2.—(1) As soon as practicable after the cereal year ending on the thirty-first day of July, nineteen hundred and thirty-three, and after the end of every subsequent cereal year the Minister shall, after consultation with the Wheat Commission, by order prescribe the price which he determines to have been the average price obtained by registered growers throughout the United Kingdom for home-grown millable wheat of their own growing sold by them in that year; and in this Act the expression "ascertained average price" means, in relation to any cereal year, the price so prescribed as respects that year.

(2) The order made under the last foregoing subsection as respects any cereal year shall also contain a certificate by the Minister certifying the quantity of home-grown millable wheat of their own growing sold by registered growers in that year, and, for the purposes of the proviso to subsection (1) of section one of this Act, that certificate shall be conclusive evidence of the quantity aforesaid.

(3) In this Act the expression "standard price" means the price of ten shillings per hundredweight:

Provided that, not later than the first day of March, nineteen hundred and thirty-five, the Minister shall appoint a committee of three persons, who, after considering general economic conditions and the conditions affecting the agricultural industry, shall report to the Minister as to the desirability of making any alteration in the standard price, and, if that committee make to the Minister a recommendation that the standard price should be altered, the Minister may by order substitute for the price aforesaid, as from the first day of August, nineteen hundred and thirty-five, such price as may be specified in the order, but the order shall be provisional only and shall have no effect until confirmed by Parliament.

(4) The Minister shall, after consultation with the Wheat Commission, by order prescribe at or as soon as practicable after the beginning of every cereal year, the quantity of home-grown millable wheat of their own growing which he anticipates will be sold by registered growers during that year, and any such order made with respect to any cereal year may be varied by a subsequent order made in like manner before the end of the month of

January in that cereal year; and, subject as hereinafter provided, in this Act the expression "anticipated supply" means, in relation to any cereal year, the quantity so prescribed with respect to that year by the order for the time being in force:

Provided that—

(*a*) if the quantity of home-grown millable wheat prescribed under this subsection in relation to any cereal year exceeds twenty-seven million hundredweights, the anticipated supply shall, except for the purposes of the proviso to subsection (3) of section one of this Act, be taken to be twenty-seven million hundredweights;

(*b*) in prescribing the anticipated supply for any cereal year the Minister shall assume that seven and a half per cent. of the home-grown millable wheat available in that year will be retained for seed and not sold by registered growers.

Quota payments by millers and importers.

3.—(1) For the purpose of meeting the expenditure to be defrayed by the Wheat Commission under this Act, every miller and every importer of flour shall be liable to make to the Wheat Commission, in respect of each hundredweight of his output of flour, a payment (hereinafter referred to as a "quota payment") of an amount calculated and prescribed in accordance with the provisions of this section so as to represent, as nearly as may be, a sum equal to what would have been the price deficit in respect of the quota of home-grown millable wheat used in the production of that hundredweight, if the anticipated supply of such wheat for the cereal year in which that hundredweight was delivered had been used at a uniform rate per hundredweight of flour in the production of the estimated supply of flour for that year:

Provided that a miller shall not be liable to make quota payments in respect of any hundredweight of his output which is, in accordance with the byelaws of the Wheat Commission, proved to the satisfaction of the Commission to consist only of meal delivered by him for consumption, without further manufacture, as animal or poultry food, and if any miller satisfies the Commission that his output during any cereal year will not comprise any flour other than meal, and that the whole of that flour will be consumed, without further manufacture, as animal or poultry food, the Commission may, in accordance with the byelaws of the Commission, grant him a certificate (hereinafter referred to as a "provender miller's certificate") certifying that he is exempt from liability to make quota payments in respect of his output of such flour during that year, so, however, that any such certificate may be revoked if at any time the Commission cease to be so satisfied as aforesaid.

(2) The quota payment in respect of any hundredweight of the output of a miller or importer of flour shall accrue due when that hundredweight is delivered.

(3) The quota payments to be made under this section shall be of such amount as may be prescribed by order of the Minister, and, for the purpose of calculating the amount to be so prescribed, the Minister shall, after consultation with the Wheat Commission, estimate—

(*a*) the average price obtainable by registered growers throughout the United Kingdom for home-grown millable wheat sold and to be sold by them in the cereal year in which the order will come into force, and the price deficit per hundredweight of such wheat;

(*b*) the supply of flour for that year, that is to say, that part of the output of millers and importers of flour which, in his opinion, will in that year be delivered and retained for consumption or use in the United Kingdom, excluding meal to be consumed, without further manufacture, as animal or poultry food;

and (subject to the provisions of this Act relating to the adjustment of surpluses and deficiences in the Wheat Fund) the amount to be prescribed shall be the amount which bears to the estimated price deficit the same proportion as that which the number of hundredweights in the anticipated supply of home-grown millable wheat for that year bears to the number of hundredweights in the estimated supply of flour for that year.

(4) If at any time during a cereal year the Minister considers that, for the purpose of securing that the

average amount of the quota payments which will have accrued due during the cereal year shall more nearly represent the sum mentioned in subsection (1) of this section, it is expedient so to do, he may, after consultation with the Wheat Commission, by a subsequent order supersede the order theretofore in force under this section as from the date of the subsequent order.

(5) Any order made under this section shall state the estimated price deficit, the anticipated supply of home grown millable wheat, and the estimated supply of flour, upon the basis of which the amount prescribed by the order is calculated.

(6) Any order in force under this section shall remain in force until superseded by a subsequent order, and the amount of every quota payment to be made under this section shall be the amount prescribed by the order in force when the payment accrues due, notwithstanding the close of the cereal year in which the order was made, so, however, that a new order shall be made at or as soon as practicable after the beginning of each cereal year.

Repayments in respect of flour exported or shipped as stores and in respect of exported bread.

4.—(1) If, in accordance with the byelaws of the Wheat Commission, it is proved to the satisfaction of the Commission that quota payments have been duly made in respect of any flour and that the flour has been exported or shipped as stores, a repayment shall be made or allowed by the Commission to the exporter, and the amount of the repayment to be so made or allowed in respect of any quantity of flour, as at the date on which it is exported or shipped as stores, shall be an amount equal to the quota payments payable in respect of a like quantity delivered on that date.

(2) If, in accordance with the byelaws of the Wheat Commission, it is proved to the satisfaction of the Commission with respect to any bread that the bread has been exported and that all the flour from which the bread was made was flour in respect of which quota payments have been duly made, a repayment shall be made or allowed by the Commission to the exporter, and the amount of the repayment to be so made or allowed in respect of any such bread, as at the date on which it is exported, shall be calculated at such a rate that the amount of the repayment in respect of every three hundred and seventy-six

pounds of bread shall be equal to the quota payments payable in respect of two hundred and eighty pounds of flour delivered on that date.

Byelaws of the Wheat Commission.

5.—(1) The Wheat Commission shall have power to make byelaws for giving effect to the provisions of this Act, but no such byelaws shall come into force until they have been approved by order of the Minister.

(2) Without prejudice to the generality of the power conferred by the last foregoing subsection, byelaws made under this section shall in particular provide—

(*a*) for the registration of all growers of home-grown millable wheat who make application for that purpose, for the manner in which such applications are to be made, and for the removal from the register of the names of persons who apply therefor or who have ceased to be growers of home-grown millable wheat;

(*b*) for enabling payments in advance to be made during any cereal year on account of the deficiency payments which will become due in respect of wheat sold by registered growers in that year;

(*c*) for the manner in which, and the times at which, claims for deficiency payments and for payments in advance are to be made in respect of wheat sold by any registered grower, and for all such claims being vouched for by certificates (hereinafter referred to as "wheat certificates") certifying, as respects each hundredweight of wheat in respect of which a claim is made,—

(i) that the wheat was home-grown wheat of the registered grower's own growing;

(ii) that the wheat was millable wheat;

(iii) that the wheat was sold by the registered grower at the date specified in the certificate;

(iv) the name and address of the person to whom, or of the person to whose order, the wheat was despatched on delivery after sale by the registered grower, and the date of such despatch;

(*d*) for the form of wheat certificates, and for the issue thereof by persons authorised by the byelaws;

(*e*) for securing that wheat certificates shall not be issued in respect of the sale of any wheat by a registered grower until that wheat has been despatched on delivery to or to the order of the person named in the certificate;

(*f*) for securing that wheat certificates shall be issued only upon satisfactory proof of the facts entitling claimants to the issue of such certificates;

(*g*) for securing that in the event of any wheat sown on land in the occupation of a registered grower becoming, before the sale of the wheat, vested in, or under the control of, any personal representative, committee, trustee, or other person, by reason of the registered grower having died or become subject to any legal disability or having entered into a composition or scheme of arrangement with his creditors, the personal representative, committee, trustee, or other person may be treated as a registered grower in respect of that wheat, notwithstanding that he is not registered in accordance with the byelaws;

(*h*) for requiring registered growers to keep records and, when required, to furnish returns of all wheat bought and of all wheat sold by them, and of the price at which it is so bought or sold;

(*i*) for the manner in which the price of home-grown millable wheat bought from registered growers by the Flour Millers' Corporation in pursuance of the requirements of any order of the Minister shall be determined according to quality and market conditions by reference to the price specified in the order;

(*j*) for the times at which, and the manner in which, sums due to the Wheat Commission by way of quota payments from millers and importers of flour are to be ascertained and paid, for the form of the receipts to be issued in respect of such payments, and for the issue of such receipts;

(*k*) for the manner in which, and the times at which, applications for repayments in respect of flour exported or shipped as stores, or in respect of exported bread, are to be made;

(*l*) for the manner in which applications for provender millers' certificates are to be made, for the form of such certificates and for the issue thereof, and as to the conditions which may be attached thereto;

(*m*) for the final determination by arbitration of disputes arising as to such matters as may be specified in the byelaws:

Provided that, such byelaws may provide for receipts in respect of quota payments being issued, subject to the prescribed conditions, in advance of actual payment of the amounts due, but shall provide for the form of receipt showing in such cases that the receipt is so issued.

(3) Byelaws made under this section providing for the times at which, and the manner in which, sums due to the Wheat Commission by way of quota payments are to be ascertained and paid, may, with the consent of the Flour Millers' Corporation, make provision for the payment of such sums by that corporation on behalf of registered millers, and if the Commission are satisfied that there is at any time a corporation representative of the importers of flour, the like provision may, with the consent of that corporation, be made with respect to the payment of such sums by that corporation on behalf of importers of flour.

(4) If the Wheat Commission are satisfied that any general byelaws made under the foregoing provisions of this section, providing for the issue of wheat certificates by the persons thereby authorised, are, in any area, insufficient for securing that such certificates are issued only upon satisfactory proof of the facts entitling claimants to the issue of such certificates, the Commission may by local byelaws for that area make provision for special arrangements for the issue of such certificates and for requiring registered growers in that area to defray the cost of any such arrangements.

Any local byelaws made under this subsection shall specify the area to which they extend.

(5) All byelaws made under this section shall be published in the London, Edinburgh and Belfast Gazettes, and in such other manner as the Wheat Commission may deem necessary, and the Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Wheat Commission as if the Commission were included in the first column of the Schedule to the first-mentioned Act, and any two members of the Commission were mentioned in the second column of that Schedule, and as if the regulations referred to in those Acts included byelaws made under this Act.

31 & 32 Vict. c. 37.
45 & 46 Vict. c. 9.

Provisions for securing payment of quota payments in respect of imported flour, and pre-entry of export flour.

6.—(1) For the purpose of securing that quota payments are duly paid in respect of imported flour, all flour imported into the United Kingdom, whether liable to a duty of customs or not, shall be entered in like manner as goods liable to a duty of customs are entered, and no entry of any flour for home consumption or home use shall be signed by any officer of Customs and Excise except upon the production and surrender to him of a receipt in the prescribed form for the amount of the quota payments payable in respect of the flour, and accordingly the enactments relating to customs shall, subject as hereinafter provided, apply for the purposes of this Act as if references in the said enactments to the payment of duty included references to the making of quota payments and as if quota payments were duties of customs:

Provided that—

(*a*) quota payments shall not be payable to any officer of Customs and Excise, and the production and surrender of the receipt aforesaid to the proper officer of Customs and Excise shall, for the purposes of the said enactments, be conclusive evidence that those payments have been made;

(*b*) if any flour in respect of which no receipt has been so produced and surrendered as aforesaid, is, after being deposited in the King's warehouse or forfeited under the said enactments, sold by the Commissioners of Customs and Excise in pursuance of those enactments, the purchaser of the flour shall be deemed for the purposes of this Act to be the importer thereof and shall be liable to make quota payments in respect thereof and to produce and surrender a receipt therefor before obtaining delivery of the flour;

(*c*) the provisions of the said enactments as to the effect upon contracts of the imposition or repeal of duties, as to disputes with respect to the rate of duty payable, as to British goods brought back into the United Kingdom, and as to the duty-free importation of goods from the Channel Islands and the Isle of Man, shall not apply for the purposes of this Act.

39 & 40 Vict. c. 36.

(2) In the application of the Customs Consolidation Act, 1876, for the purposes of this Act the following provision shall have effect in lieu of section one hundred and thirty-nine of that Act, that is to say—

> "The exporter or shipper of any flour intended for exportation or shipment as stores shall duly enter the flour before exportation or shipment thereof, and if he fails or neglects to make such entry or if the entry be false in any particular, he shall be liable to a penalty of one hundred pounds, and the flour and any package in which it is contained shall also be forfeited."

Provisions as to Wheat Fund.

7.—(1) For the purposes of this Act there shall be established under the control and management of the Wheat Commission a fund called "the Wheat Fund", into which shall be paid all moneys received by the Commission, and out of which shall be defrayed all expenditure incurred by the Commission.

(2) Payments into and out of the Wheat Fund, and all other matters relating to the Fund and moneys standing to the credit of the Fund (including temporary investments thereof) shall, subject to the provisions of any regulations made under this Act, be made and regulated in accordance with the byelaws of the Commission.

(3) Within three months after the end of each cereal year the Wheat Commission shall cause an account in the prescribed form to be prepared and submitted to the Minister, showing the revenue and expenditure of the Wheat Fund attributable to that year, and that account shall, within six months after

the end of the cereal year to which it relates, be transmitted to the Comptroller and Auditor General, who shall certify and report upon the account, and the account and report shall be laid before Parliament.

Adjustment of surpluses and deficiencies in Wheat Fund.

8. If the Minister is satisfied that by reason of any surplus or deficiency in the Wheat Fund, as shown by the accounts for the last preceding cereal year, or by reason of the estimated average price of home-grown millable wheat ceasing to be less than the standard price, quota payments of the amount to be prescribed by him under subsection (3) of section three of this Act will in any cereal year be substantially more than sufficient or less than sufficient, as the case may be, for the purposes of reducing the surplus or deficiency and of meeting the expenditure of the Wheat Commission attributable to that year, then, in lieu of prescribing the amount of quota payments in accordance with the provisions of the said section three, he may by order prescribe during that year quota payments of such amount as he considers expedient for those purposes, or may, if he is satisfied that the circumstances so require, by order direct that the liability to make quota payments other than those already accrued due shall cease until a further order is made.

Provisions as to Millers' Quota Fund.

9.—(1) For the purposes of this Act there shall be established under the control and management of the Flour Millers' Corporation a fund called the "Millers' Quota Fund", into which shall be paid all moneys received by the Corporation, and out of which shall be defrayed all expenditure incurred by the Corporation.

(2) The accounts of the Millers' Quota Fund shall be kept in the prescribed form, and shall be audited annually by an auditor approved by the Minister.

(3) The Flour Millers' Corporation shall have power to borrow such sums as may be required by them for the purchase of any stocks of wheat which they are required by an order made by the Minister to buy, and all moneys paid into or out of the Millers' Quota Fund in respect of the purchase and sale or disposal of such stocks (including administrative expenses incurred by the corporation in connection therewith) shall be shown in a separate account, which shall be kept in accordance with regulations made by the Minister under this Act.

(4) Any profits shown by the audited accounts of the Millers' Quota Fund to have been earned by the sale or disposal of any such stocks bought in pursuance of any such order as aforesaid shall be distributed on behalf of the Flour Millers' Corporation by a person appointed (after consultation with that corporation) by the Wheat Commission, to millers in the same proportion as the output of each miller for the cereal year in which the order was made bears to the aggregate output of all millers for that year; and any loss shown by the said accounts to have been incurred upon such sale or disposal as aforesaid shall be recoverable on behalf of the Flour Millers' Corporation by a person appointed (after consultation with that corporation) by the Wheat Commission, from millers in the like proportion.

(5) For the purposes of the last foregoing subsection the output of each miller for any cereal year, and the aggregate output of all millers for that year, shall be taken to be of such amounts respectively as may be specified in certificates issued by the Wheat Commission to the person appointed by them for the purposes of that subsection; and in computing for the purposes of that subsection the output of a miller and the aggregate output of all millers, there shall be excluded meal delivered by the miller or millers for consumption, without further manufacture, as animal or poultry food, and any person holding a provender-miller's certificate certifying that he is exempt from liability to make quota payments during any period shall be deemed, for the purposes of the said subsection, not to have been a miller during that period.

(6) Without prejudice to any other remedy, any sum recoverable from or by or on behalf of the Flour Millers' Corporation under the last foregoing subsection may be recovered summarily as a civil debt.

Provisions as to administrative expenses.

10.—(1) Subject to the provisions of this section, the administrative expenses incurred for the purposes of this Act by the Flour Millers' Corporation and, if byelaws of the Wheat Commission provide for the payment of quota payments on behalf of importers of flour by a corporation representative of such importers, by that corporation shall be payable by the Wheat Commission:

Provided that the administrative expenses incurred by the Flour Millers' Corporation in connection with the purchase and sale or disposal of any stocks of wheat which they are required by an order made by the Minister to buy shall not be payable by the Wheat Commission.

(2) The Flour Millers' Corporation, and any other corporation whose administrative expenses are payable by the Wheat Commission under this section, shall, not less than two months before the beginning of each cereal year, prepare an estimate of their administrative expenses for the purposes of this Act for that year, being expenses which are so payable as aforesaid, and submit the estimate in such form as may be required by the Commission for approval by the Commission, and may subsequently prepare and submit in like manner supplementary estimates of such expenses, and any such estimates may be approved by the Commission with or without modifications:

Provided that, in the event of a dispute between any such corporation and the Commission as to any modifications proposed by the Commission to be made in estimates submitted by the corporation, the dispute shall be determined by the Minister of Agriculture and Fisheries, and the approval of the Commission shall be given in accordance with his determination.

(3) The following expenses shall be deemed to form part of the administrative expenses of the Wheat Commission:—

(*a*) any expenditure certified by the Minister to have been incurred, whether before or after the commencement of this Act, in bringing this Act into operation;

(*b*) any expenditure which may lawfully be incurred by the Commission under this section in paying the administrative expenses of the Flour Millers' Corporation or of any other corporation;

(*c*) any expenditure certified by the Minister to have been incurred by any Government Department for the purposes of this Act, and any charge for services certified by the Minister to have been rendered with the consent of the Treasury by any such Department;

(*d*) any expenditure certified by the Minister to have been incurred by the committee to be appointed under subsection (3) of section two of this Act.

(4) The Wheat Commission shall, not less than one month before the beginning of each cereal year, prepare an estimate of their administrative expenses for that year and submit the estimate in such form as may be required by the Minister for approval by the Minister, and may subsequently prepare and submit in like manner supplementary estimates of such expenses, and any such estimates may be approved by the Minister with or without modifications, and no administrative expenses shall be incurred by the Commission for that year except in accordance with the estimates for that year previously approved by the Minister.

(5) The Wheat Commission shall have power to borrow such sums as may be required by them for the purpose of defraying their administrative expenses, but, except with the consent of the Minister, and subject to such conditions as he may impose, no loan shall be raised by the Commission for the purpose of defraying administrative expenses to be incurred in any cereal year unless the principal of the loan is repayable, together with all interest thereon, before the expiration of that year.

(6) In calculating the amount of the deficiency payments to be made in respect of any cereal year, the Wheat Commission shall make from the price deficit by reference to which the payments are calculated such deduction as they may determine to be sufficient for securing that the administrative expenses of the Commission are borne by registered growers.

Power of Wheat Commission to obtain information.

11.—(1) The Wheat Commission shall, for the purpose of obtaining information required for the purposes of this Act, have power—

(*a*) to authorise in writing any persons to inspect and report upon any wheat, flour, or wheat offals and to require any dealer in wheat, flour, or wheat offals, carrier or warehouseman or his servants or agents to furnish to them the name and address of the owner, consignor or consignee of any wheat, flour, or wheat offals;

(*b*) by notice in writing to require any registered grower, any officer of any corporation exercising functions under this Act, or any person whom the Commission have reasonable cause to believe to be a miller or an importer of flour or a person carrying on business as a dealer in wheat, flour, or wheat offals, to furnish such information as may be specified in the notice, and to produce to any auditor appointed by the Commission such accounts, books and other documents as may be necessary to enable him to check the information so furnished.

(2) Any person authorised under the last foregoing subsection to exercise any functions may at all reasonable times, upon production of his authority on demand, enter on any land or premises and take samples of any wheat, flour, or wheat offals found thereon, and any person who obstructs or impedes any such person in the exercise of any function which he is authorised by or under this Act to perform, or refuses to furnish any information or to produce any account, book or other document in his possession or power which he is required under this section to furnish or produce, shall be liable on summary conviction, in the case of a first offence, to a fine not exceeding twenty pounds and, in the case of a second or subsequent offence, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and fine.

(3) Notwithstanding anything in the Agricultural Returns Act, 1925, any returns made under that Act may be used by the Minister of Agriculture and Fisheries and by the Department of Agriculture for Scotland for the purposes of this Act, and the annual agricultural statistics collected by the Ministry of Agriculture for Northern Ireland may be used for the purposes of this Act, and any such returns or statistics may be published or disclosed to the Wheat Commission for the purpose of enabling them to exercise their functions under this Act, or to any court before which any proceedings under or in connection with this Act are taken. 15 & 16 Geo. 5. c. 39.

(4) Any person who discloses any information obtained by him in the exercise of his functions under this Act, otherwise than to a person lawfully entitled to obtain such information, shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine, or, on summary conviction, to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

Regulations to be made by Minister.

12.—(1) The Minister may, after consultation with the Wheat Commission, make regulations for giving effect to the provisions of this Act, and such regulations may in particular make provision—

(*a*) for prescribing the standard to which wheat must conform in order to be deemed for the purposes of this Act to be millable wheat;

(*b*) for requiring the Commission to keep such records and to furnish to the Minister such returns and other documents as he may require;

(*c*) for prescribing the period within which, and the manner in which, disputes between any corporation and the Commission as to any modifications proposed by the Commission in estimates submitted by the corporation are to be referred to the Minister of Agriculture and Fisheries;

(*d*) for the keeping of the separate account mentioned in subsection (3) of section nine of this Act;

11 & 12 Geo. 5 c. 7.

(*e*) for applying the Tribunals of Inquiry (Evidence) Act, 1921, to the committee to be appointed under subsection (3) of section two of this Act, as if the committee were a tribunal established in manner provided by that Act and as if that Act had been applied thereto in the manner thereby provided;

(*f*) for the scales of travelling and other allowances (including allowances by way of compensation for loss of time) which may be paid to members of the Commission.

(2) Regulations approved by the Treasury shall be made by the Minister under this section making provision—

(*a*) requiring all moneys forming part of the Wheat Fund to be paid into the Bank of England, and as to the investment of such moneys;

(*b*) prescribing the form of the accounts to be submitted to the Minister by the Wheat Commission;

(*c*) prescribing the form of the accounts of the Millers' Quota Fund.

13.—(1) Where, by virtue of any charge thereon or under a distraint, wheat of a registered grower's own growing is sold by a person entitled to enforce the charge or levy the distress, the wheat shall be deemed for the purposes of this Act to have been sold by the registered grower, and the registered grower shall, to the exclusion of that person, be entitled to receive any deficiency payments payable in respect thereof.

Supplementary provisions as to deficiency payments.

Deficiency payments paid under this Act in respect of any wheat shall be deemed for the purposes of Part II. of the Agricultural Credits Act, 1928, not to form part of the proceeds of the sale of that wheat.

18 & 19 Geo. 5. c. 43.

(2) Where in pursuance of any custom or agreement the outgoing occupier of any farm leaves on the farm wheat harvested by him, then, in relation to any sale of that wheat within six months after he has ceased to be the occupier of the farm, the wheat shall, for the purposes of this Act, be deemed to be of his growing and not of the incoming occupier's growing, notwithstanding that the outgoing occupier is not the occupier of the farm at the date of the sale.

(3) Where by law or custom the outgoing occupier of any land is entitled to receive compensation from his landlord or from the incoming occupier in respect of wheat growing or grown on the land, the amount of the deficiency payments, if any, which may become payable in respect of that wheat to the landlord or incoming occupier shall be taken into account in the assessment of the compensation so payable.

(4) Where a deficiency payment becomes payable in respect of the sale of any wheat, the person who was, or is deemed in accordance with the foregoing provisions of this Act to have been, the registered grower thereof at the date of the sale or, in the case of wheat required by an order of the Minister to be bought by the Flour Millers' Corporation, at the date on which the order came into force, shall be entitled to claim and receive the deficiency payment, notwithstanding that he may subsequently have ceased to be a registered grower.

14.—(1) Where, by reason of the coming into force of an order made under this Act, quota payments become payable, or the amount of quota payments is increased, then, if any article wholly or partly consisting of, or

Provisions as to contracts.

manufactured from, any flour in respect of which quota payments accrue due is delivered on or after the date on which the order came into force in pursuance of a contract made before that date, the seller of the article may, in the absence of agreement to the contrary, recover, as an addition to the contract price, a sum equal to the amount of the quota payments, or to the increase in the amount of the quota payments, in respect of that flour, as the case may be.

(2) Where by reason of the coming into force of any order made under this Act the amount of quota payments is decreased, or quota payments cease to be payable, then, if any article wholly or partly consisting of, or manufactured from, any flour in respect of which quota payments accrue due is delivered on or after the date on which the order came into force in pursuance of a contract made before that date, the purchaser of the article, in the absence of agreement to the contrary, may, if the seller of the article has had in respect thereof the benefit of the decrease or cessation, deduct from the contract price a sum equal to the amount of the decrease or of the quota payments payable in respect of that flour under the order in force immediately before the cessation, as the case may be.

Service of documents and power to require statutory declarations.

15. Any notice or other document required by or under this Act to be served on any person shall, unless he proves that it was not received by him, be deemed to have been duly served on him if it was sent by registered letter addressed to him at his last known place of business, and any such notice requiring any person to furnish any information may require him to make a statutory declaration as to the truth of the information furnished.

Penalties

16.—(1) If any person with intent to deceive—

(*a*) forges or uses, or lends to or allows to be used by any other person, any certificate, receipt or other document issued under this Act or under the byelaws of the Wheat Commission; or

(*b*) makes or has in his possession any document so closely resembling such a certificate, receipt or other document as to be calculated to deceive; or (*c*) knowingly makes any false statement or withholds any material information for the purpose of obtaining for himself or any other person any such certificate, receipt or other document or any payment payable under this Act or under the byelaws of the Wheat Commission; or

(*d*) being required by any notice served by the Wheat Commission to furnish any information, knowingly furnishes false information, or being so required as aforesaid to produce any accounts, books or other documents, knowingly produces any false accounts, books or other documents;

he shall, unless indicted for the offence, be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such imprisonment and fine.

(2) In this section the expression "forges" has, in the application thereof to England and Northern Ireland, the same meaning as in the Forgery Act, 1913.

3 & 4 Geo. 5. c. 27.

(3) If any miller or importer of flour, with intent to avoid payment of quota payments or otherwise with intent to deceive, contravenes or fails to comply with the byelaws of the Wheat Commission as to the time at which, or the manner in which, such payments are to be made, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or three times the amount due by way of quota payments in respect of the flour in respect of which the offence was committed, whichever is the greater, or to imprisonment for a term not exceeding three months, or to both such imprisonment and fine, and that flour shall be forfeited to the Wheat Commission, who may dispose of it as they think fit.

(4) If any person makes default in furnishing any return or other document or any information which he is required by the byelaws to furnish, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, fifty pounds.

(5) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or approval of, or to have been facilitated

by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, or of an auditor by whom any accounts of the body corporate were audited, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Power to transfer certain functions of Wheat Commission to Agricultural Marketing Board, 21 & 22 Geo. 5. c. 42

17.—(1) If at any time a Board is established under the Agricultural Marketing Act, 1931, for the purpose of regulating the marketing of home-grown wheat, and the Minister, after consultation with the Wheat Commission, is of opinion that any functions of that Commission with respect to registered growers should, in relation to Great Britain or any part thereof, be transferred to that Board, he may by order so transfer those functions, and any such order shall contain such consequential provisions as may be necessary for giving effect to the transfer.

(2) Any order made under this section may be varied or revoked by any subsequent order made in like manner.

Orders, regulations and byelaws to be laid before Parliament.

18.—(1) All orders, regulations and byelaws made under this Act shall be laid before Parliament as soon as may be after they are made, and if either House, within the next subsequent twenty-eight days on which that House has sat after any such order, regulation or byelaw is laid before it, resolves that the order, regulation or byelaw be annulled, it shall forthwith be void, but without prejudice to anything previously done thereunder or to the making of a new order, regulation or byelaw.

(2) This section shall not apply to any provisional order made under subsection (3) of section two of this Act.

56 & 57 Vict. c. 66.

(3) Section one of the Rules Publication Act, 1893 (which requires notice to be given of a proposal to make statutory rules), shall not apply to any orders, regulations or byelaws made under this Act.

Transitional provisions.

19. As respects the period beginning at the commencement of this Act and ending on the thirty-first day of July nineteen hundred and thirty-three (hereinafter referred to as the "first accounting period"), the following provisions shall have effect, that is to say—

(*a*) an order prescribing the anticipated supply of home-grown millable wheat for the cereal year beginning on the first day of August nineteen hundred and thirty-two, shall be made at, or as soon as practicable after, the commencement of this Act;

(*b*) if an order prescribing the amount of quota payments comes into force on a date earlier than the first day of August nineteen hundred and thirty-two, then for the purpose of securing that the quota payments accruing due during the period beginning on the date on which the order comes into force and ending on the thirty-first day of July nineteen hundred and thirty-three shall be proportionately reduced by reason of that period being a period greater than a year, section three of this Act shall, in relation to such payments, have effect subject to the following modifications, that is to say,—

(i) all flour delivered between the date on which the first order made under that section comes into force and the first day of August nineteen hundred and thirty-two, shall be deemed for the purposes of subsection (1) of that section to have been delivered in the cereal year beginning on the said first day of August; and

(ii) references to the estimated supply of flour for a cereal year shall be construed as references to the estimated supply of flour for the period beginning on the date on which the first order made under that section comes into force and ending on the thirty-first day of July nineteen hundred and thirty-three, and the amount of the quota payments which will accrue due during that period shall be calculated and prescribed accordingly by an order made as soon as practicable after the commencement of this Act, and the provisions of subsection (6) of that section requiring a new order to be made at or as soon as practicable after the beginning of each cereal year shall not apply as respects the cereal year beginning next after the commencement of this Act;

(*c*) in the proviso to subsection (1) of section three of this Act references to a cereal year shall be construed as references to the first accounting period;

(*d*) the provisions of subsection (3) of section seven of this Act requiring the Wheat Commission within three months after the end of each cereal year to cause an account to be prepared and submitted to the Minister, showing the revenue and expenditure of the Wheat Fund attributable to that year, shall not apply as respects the cereal year ending on the thirty-first day of July nineteen hundred and thirty-two, but the account to be so prepared and submitted within three months after the thirty-first day of July nineteen hundred and thirty-three shall show the revenue and expenditure of the said fund attributable to the first accounting period;

(*e*) the estimates to be prepared and submitted in accordance with the provisions of subsections (2) and (4) of section ten of this Act shall be prepared and submitted at or as soon as practicable after the commencement of this Act, and such estimates shall relate to expenditure for the first accounting period;

(*f*) references in subsection (5) of the said section ten to a cereal year shall be construed as references to the first accounting period.

Interpretation

20.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Bread" means the product produced by baking flour unmixed with any substance other than water, salt and yeast or other leaven, so, however, that no such product shall be deemed to be bread unless it is in the form of a loaf weighing not less than fourteen ounces;

"Cereal year" means the period of twelve months beginning on the first day of August in every year and ending on the thirty-first day of July next following;

"Delivered" means, in relation to the output of a miller, delivered by him on sale or otherwise for consumption or use either by himself or by any other person, and in relation to the output of an importer, entered by him or on his behalf for home consumption or home use;

"Entered" means entered in accordance with the enactments relating to customs, and "entry" has a corresponding meaning;

"Exporter," in relation to any flour shipped as stores, includes the person by whom or on whose behalf entry of the flour is made for shipment as stores;

"Flour" means the products produced by the milling of wheat, and includes all such products except substances separated in the milling as wheat offals, and (subject to the provisions of subsection (2) of this section) where such products as aforesaid are mixed with other substances, whether or not produced by the milling of wheat and whether milled with the wheat or subsequently added, the mixture shall be deemed to be flour;

"Flour Millers' Corporation" means the corporation constituted by and in accordance with the provisions of the Second Schedule to this Act;

"Functions" includes powers and duties;

"Home-grown" means grown by registered growers in the United Kingdom;

"Importer" means, in relation to any flour, the person by whom or on whose behalf entry of the flour is made for home consumption or home use;

"Meal" means wheat meal as defined by the Fourth Schedule to the Fertilisers and Feeding Stuffs Act, 1926, either alone or mixed with other substances not being flour; 16 & 17 Geo. 5. c. 45.

"Millable wheat" means wheat which conforms to the standard prescribed by regulations made by the Minister;

"Miller" includes every person who, by way of trade, mills wheat in the United Kingdom for the purpose of producing flour;

"Minister" means the Minister of Agriculture and Fisheries and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively acting jointly, so, however, that all orders prescribing the ascertained average price of home-grown millable wheat, the anticipated supply of such wheat, the amount of quota payments, or the cessation of such payments, shall be made by the Minister of Agriculture and Fisheries;

"Output" means (subject to the provisions of subsections (2) and (3) of this section) in relation to a miller, the flour produced by him in the United Kingdom which is delivered by him, and in relation to an importer, the imported flour delivered by him;

"Prescribed" means prescribed by regulations, orders or byelaws made under this Act;

"Price" means, in relation to any wheat, the price obtainable or obtained therefor exclusive of any charge for transportation;

"Registered grower" means a person for the time being registered in accordance with the byelaws made by the Wheat Commission under this Act, as a grower of home-grown millable wheat;

"Wheat Commission" means the Commission constituted by and in accordance with the provisions of the First Schedule to this Act;

"Wheat offals" means the residual products which, in the process of milling wheat, are extracted therefrom as germ or for animal or poultry food.

(2) Notwithstanding anything in the definition of flour contained in the last foregoing subsection—

(*a*) where any flour consists of a mixture containing substances not produced by the milling of wheat, byelaws of the Wheat Commission made in that behalf may direct that, as respects that mixture, those substances shall be deemed not to form part of the flour;

(*b*) if in any parcel containing substances produced by the milling of wheat the weight of those substances, other than wheat offals, does not exceed seven and a half per cent. of the weight of the parcel, the parcel shall be deemed not to contain flour.

(3) In computing the output of flour of any miller—

(*a*) where any flour, having been delivered by the miller from the premises in which it was milled to other premises for the purpose only of being mixed by him with other flour or other substances, is, after being so mixed, comprised in his output of flour from the last mentioned premises, then if the mixture is all flour, account shall be taken only of the delivery from the premises in which it was so mixed as aforesaid, but if the mixture contains substances which, in accordance with byelaws made for the purposes of the last foregoing subsection, are deemed not to form part of the flour, account shall be taken only of the delivery from the premises in which the flour was milled;

(*b*) there shall be deducted from the quantity which, but for the provisions of this paragraph, would have been the quantity of his output of flour, so much of that quantity as he proves to the satisfaction of the Wheat Commission to have formed part of the output of flour of some other miller or of an importer of flour, as computed in accordance with the provisions of this Act.

(4) Notwithstanding anything in the enactments relating to customs, the expression "United Kingdom" shall not, in the application of those enactments for the purposes of this Act, include the Isle of Man; and for the purposes of this Act, flour and bread removed from or to the Isle of Man into or out of the United Kingdom shall be deemed to be imported or exported, as the case may be.

(5) For the purposes of this Act the weight of any substance may be determined either with or without the bags or other containers in which the substance is contained, according to such directions as may be given by the Wheat Commission.

(6) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by any subsequent enactment.

Short title.

21. This Act may be cited as the Wheat Act, 1932.

SCHEDULES.

Section 20.

FIRST SCHEDULE.

Constitution and Proceedings of Wheat Commission.

1. The Commission shall be a body corporate by the name of the "Wheat Commission," with a common seal and power to hold land without licence in mortmain, and shall consist of a chairman, a vice-chairman, and seventeen other persons appointed by the Minister.

2. Of the members of the Commission other than the chairman and vice-chairman there shall be appointed—

(*a*) as representing the interests of the growers of home-grown millable wheat, five members;

(*b*) as representing the interests of millers of flour, three members;

(*c*) as representing the interests of importers of flour, one member (who shall be entitled to appoint a deputy to act in his absence);

(*d*) as representing the interests of dealers in home-grown millable wheat, three members;

(*e*) as representing the interests of consumers of flour, five members, of whom one at least shall be appointed as representing the interests of bakers of bread;

and before appointing any person as representing the interests of consumers of flour the Minister shall (except in the case of a person appointed as representing the interests of bakers of bread) consult the Board of Trade, and before appointing any person as representing bakers of bread or any of the other classes of persons aforesaid the Minister shall consult such bodies as, in his opinion, represent that class.

3. Every member of the Commission shall hold and vacate office in accordance with such conditions as may have been determined by the Minister before his appointment, and those conditions may provide for the payment of remuneration in the case of the chairman and vice-chairman but not in any other case.

4. Any person who has ceased to be a member of the Commission shall be eligible for re-appointment.

5. The quorum of the Commission shall be nine, and the Commission shall have power to act notwithstanding any vacancy among the members thereof.

6. Subject to the provisions of this Act as to administrative expenses, the Commission may employ a secretary and such officers, agents and servants as they may require.

7. Any contract or instrument which would not, in the case of a person other than a corporation, be required to be under seal, may be entered into or executed on behalf of the Commission by any person authorised in that behalf by a resolution of the Commission.

8. No contract to which the Commission is a party shall be avoided by reason only that a member of the Commission is also a party thereto or is interested therein, and a member of the Commission who is a party to, or interested in, such a contract shall not, by reason only that he is a member of the Commission, be liable to account to the Commission for any profit realised by him by reason of the contract, but a member of the Commission must forthwith disclose to the Commission any interest which he has or acquires in any contract concluded or proposed to be concluded by the Commission, and shall not vote upon any question relating to the contract, and if he votes, his vote shall not be counted.

SECOND SCHEDULE.

Section 20.

Constitution and Proceedings of Flour Millers' Corporation.

1. The Corporation shall be a body corporate by the name of the "Flour Millers' Corporation", with a common seal and power to hold land without licence in mortmain, and shall, until a scheme comes into force in accordance with the provisions hereinafter in this Schedule contained, consist of a chairman

1st Sch. —*cont.*

and four other persons appointed by the Minister after consultation with such bodies as, in his opinion, represent the interests of millers.

2. All persons so appointed as aforesaid shall hold and vacate office in accordance with such conditions (including conditions as to remuneration) as may have been determined by the Minister before their appointment, and any person who has ceased to be a member of the corporation shall be eligible for re-appointment.

3. The corporation shall make arrangements approved by the Minister for the registration of all millers of flour who make application for that purpose, for the manner in which such applications are to be made, and for the removal from the register of the names of persons who apply therefor or who have ceased to be millers of flour.

4. Any contract or instrument which would not, in the case of a person other than a corporation, be required to be under seal, may be entered into or executed on behalf of the corporation by any person authorised in that behalf by a resolution of the corporation.

5. No contract to which the corporation is a party shall be avoided by reason only that a member of the corporation is also a party thereto or is interested therein, and a member of the corporation who is a party to, or interested in, such a contract shall not, by reason only that he is a member of the corporation, be liable to account to the corporation for any profit realised by him by reason of the contract, but a member of the corporation must forthwith disclose to the corporation any interest which he has or acquires in any contract concluded or proposed to be concluded by the corporation, and, if the chairman so directs, the vote of that member upon any question relating to the contract shall not be counted.

6. As soon as practicable after the commencement of this Act the corporation shall prepare and submit to the Minister the draft of a scheme providing for the election of the members of the corporation by millers registered in accordance with the provisions of paragraph 3 of this Schedule and making provision as to the number of such members and as to the functions of the corporation; and shall, in such manner as the Minister may direct, give public notice of the submission of the draft, of the place where copies thereof may be obtained and inspected, and of the period (which shall not be less than one month after the date of the publication of the notice) within which objections and representations with respect to the draft may be made.

7. After considering any draft scheme submitted to him under the last foregoing paragraph and any objections and

representations duly made with respect thereto, the Minister, upon approving the draft either with or without modifications, may make an order giving effect to the scheme. 2nd Sch. —*cont.*

8. Any scheme in force by virtue of any such order as aforesaid may be varied or revoked by a subsequent scheme prepared, submitted, approved and taking effect, in like manner as the former scheme.

9. As from the date on which a scheme comes into force in accordance with the foregoing provisions of this Schedule, all matters relating to the functions of the corporation shall, subject to the provisions of this Act, be regulated in accordance with the scheme, but until that date the following provisions shall have effect:—

(*a*) the quorum of the corporation shall be three, and the corporation shall have power to act notwithstanding any vacancy among the members thereof;

(*b*) subject to any directions given by the Minister, the corporation may employ a secretary and such officers, agents and servants as they may require.

CHAPTER 25.

An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, to amend the law relating to the Inland Revenue (including Excise) and the National Debt, to amend the Import Duties Act, 1932, in certain particulars, and also other enactments relating to the Customs, and to make further provision in connection with Finance. [16th June 1932.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Customs and Excise.

Duties on tea.

1.—(1) Customs duties at the rates hereinafter mentioned shall be payable on tea imported into the United Kingdom on or after the twentieth day of April, nineteen hundred and thirty-two, that is to say:—

Tea not being an Empire product	the lb., Fourpence
Tea being an Empire product	the lb., Twopence.

(2) An excise duty at the rate of twopence the pound shall be payable on tea which was imported into the United Kingdom before the twentieth day of April, nineteen hundred and thirty-two, and was on that date in the ownership or possession of any person who then held more than one thousand pounds thereof, but not including any such tea which is shown to the satisfaction of the Commissioners of Customs and Excise to have been intended for use by the person in whose ownership or possession it was and not to have been intended for sale or for use in the preparation of a beverage for sale.

14 & 15 Geo. 5. c. 21.

15 & 16 Geo. 5. c. 36.

(3) Section fourteen of the Finance Act, 1924 (which makes provision for the allowance of drawback on the exportation of certain blended tea), shall (as amended by section twelve of the Finance Act, 1925, which provides that the said section fourteen shall extend to tea shipped as stores) extend to blended tea prepared from teas in respect of which either of the customs duties or the excise duty payable under this section has been paid.

9 & 10 Geo. 5. c. 32.

(4) In this section the expression " Empire product " has the same meaning as in subsection (1) of section eight of the Finance Act, 1919.

Duties on certain colonial sugar, molasses, &c.

2.—(1) As from the commencement of this section, the customs duties in respect of sugar, molasses, glucose and saccharin shown to the satisfaction of the Commissioners of Customs and Excise to have been consigned from and grown, produced or manufactured in a colony or other country to which this section applies shall be at the rates specified in the First Schedule to this Act instead of at the rates theretofore chargeable.

(2) The colonies to which this section applies are all the colonies except Southern Rhodesia, and the other countries to which this section applies are territories under His Majesty's protection and territories in respect of which a mandate of the League of Nations is being exercised by the Government of the United Kingdom, being territories to which section five of the Import Duties Act, 1932, by virtue of an Order in Council made thereunder for the time being applies. 22 & 23 Geo. 5. c. 8.

(3) This section shall be deemed to have had effect as from the twentieth day of April, nineteen hundred and thirty-two:

Provided that in the application of this section to any duty chargeable on manufactured or prepared goods under section seven of the Finance Act, 1901, the first day of July shall be substituted for the twentieth day of April. 1 Edw. 7. c. 7.

Excise duties on sugar, molasses, &c.

3.—(1) As from the commencement of this section, the excise duties in respect of sugar, molasses, glucose and saccharin shall be at the rates specified in the Second Schedule to this Act instead of at the rates theretofore chargeable.

(2) This section shall be deemed to have had effect as from the twentieth day of April, nineteen hundred and thirty-two.

Rates of drawback on certain sugar and molasses.

4. In the case of sugar and molasses produced in the United Kingdom from material on which there has been paid a customs duty at a rate chargeable by virtue of section two of this Act or an excise duty, drawbacks shall be paid in accordance with the scales set out in the Third Schedule to this Act instead of in accordance with the scales which would otherwise have been applicable:

Provided that the reduction under this subsection of the rates or amounts of any drawback shall not have effect in relation to any goods as respects which it is shown to the satisfaction of the Commissioners of Customs and Excise that duty was paid at the rate in force before the twentieth day of April, nineteen hundred and thirty-two.

Additional and substituted

5.—(1) As from the commencement of this section, in addition to the customs duties chargeable under section four of and the Second Schedule to the Finance Act, 1925,

PART I. —*cont.*

customs duties on articles made wholly or partly of silk or artificial silk.

and subsection (1) of section five of the Finance Act, 1926, a customs duty equal to ten per cent. of the value of the articles shall be charged on the importation into the United Kingdom of yarns and tissues and other articles (not being articles of apparel) made wholly or partly of silk or artificial silk.

16 & 17 Geo. 5. c. 22.

(2) As from the commencement of this section, in the case of an article of apparel made wholly or partly of silk or artificial silk there shall, in lieu of the customs duty chargeable under the enactments aforesaid, be charged, on the importation thereof into the United Kingdom, whichever is the higher of the two following duties, that is to say—

(*a*) a customs duty equal to the aggregate amount of the customs duty which would otherwise have been chargeable under the enactments aforesaid, and of a duty equal to ten per cent. of the value of the article;

(*b*) a customs duty calculated at the rate shown in the following table on the weight of the article :—

—	In the case of articles containing silk alone or containing both silk and artificial silk.	In the case of articles containing artificial silk alone.
	the lb. *s.* *d.*	the lb. *s.* *d.*
Where the article is made wholly of silk or artificial silk, or where the value of the silk or artificial silk component exceeds twenty per cent. of the aggregate of the values of all the components of the article - - - -	12 0	5 0
Where the value of the silk or artificial silk component exceeds five per cent. but does not exceed twenty per cent. of the aggregate of the values of all the components of the article - -	4 0	1 8
Where the value of the silk or artificial silk component does not exceed five per cent. of the aggregate of the values of all the components of the article - - - - - - -	0 9	0 4

Part I. —*cont.*

(3) The provisions of Part II of the Second Schedule to the Finance Act, 1925 (which relates to drawbacks), shall not apply in relation to the duties chargeable under this section, but a drawback equal to the amount of any duty paid under this section in respect of any articles may be allowed—

(*a*) if the articles (not being articles specified in paragraph 1 of the said Part II) are shown to the satisfaction of the Commissioners of Customs and Excise to be in such form and state that the rate of duty which would be payable in respect thereof, if they were being imported, would be the same as that at which they or their components have already been charged; or

(*b*) if the articles are made-up articles exported in the form and state in which they were imported.

(4) The provisions of Part III of the said Schedule shall, so far as applicable, apply to, and in relation to, the duties charged and the drawbacks allowed under this section as they apply to, and in relation to, the duties and drawbacks mentioned in the said Schedule, subject to the following modifications and exceptions :—

(*a*) paragraphs 1 and 2 of the said Part III shall not apply in relation to any duty which is calculated by reference to value or to any drawback of such a duty;

(*b*) paragraph 7 shall apply as if there were inserted after the word " if," in the second and third place where that word occurs, the words " or so far as ";

(*c*) paragraphs 10 and 11 shall not apply.

(5) In the case of goods being Empire products within the meaning of subsection (1) of section eight of the Finance Act, 1919, the customs duties imposed by this section shall be charged at the preferential rate of five-sixths of the full rate.

(6) This section shall be deemed to have had effect as from the eleventh day of May, nineteen hundred and thirty-two.

Repeal of subs. (2) of s. 5 of 16 & 17 Geo. 5. c. 22.

6.—(1) Subsection (2) of section five of the Finance Act, 1926 (which gives a person importing for his own use and not for sale an article of apparel made wholly or partly of silk (including artificial silk) the option of

Part I. —*cont.*

having the article charged with duty by reference to the whole weight thereof) shall be repealed.

(2) This section shall be deemed to have had effect as from the twentieth day of April, nineteen hundred and thirty-two.

Power to remove goods from Schedule I of 22 & 23 Geo. 5. c. 8.

7.—(1) The Treasury, after receiving a recommendation from the Import Duties Advisory Committee that goods of any class or description exempted from the general ad valorem duty imposed by section one of the Import Duties Act, 1932, by reason of their being included for the time being in the First Schedule to that Act, ought no longer to be so exempted, may, after consultation with the appropriate Department, by order direct that goods of all or any of the classes or descriptions specified in the recommendation shall cease to be included in that Schedule.

(2) The Treasury may, on the recommendation of the said Committee and after consultation with the appropriate Department, by order vary or revoke any order made under this section.

(3) Orders made by the Treasury under this section shall be deemed for the purpose of subsections (1), (2), (3) and (4) of section nineteen of the Import Duties Act, 1932, to have been made under that Act, and in this section the expression "appropriate Department" has the same meaning as in that Act.

Power to revoke Orders in Council made under s. 5 of 22 & 23 Geo. 5. c. 8.

8. An Order in Council made under section five of the Import Duties Act, 1932, may be revoked or varied by a subsequent Order in Council.

Further provision for drawback of duties under Part I of 22 & 23 Geo. 5. c 8.

9.—(1) Where it appears to the Import Duties Advisory Committee that, in the case of goods of any class or description manufactured in, and exported or shipped as stores from, the United Kingdom, a drawback as respects duties chargeable under Part I of the Import Duties Act, 1932, should be allowed in respect of any material of a class or description used in the manufacture of those goods, the Committee may submit to the Treasury a scheme for the allowance of such a drawback, and the Treasury may, after consultation with the appropriate Department, by order approve the scheme, and thereupon drawback shall be allowed in accordance with, and subject to the provisions of, the scheme and of this section:

Provided that the Committee shall not submit, and the Treasury shall not approve, any such scheme, unless satisfied that, having regard to all the circumstances, including the interests of any producers in the United Kingdom of material of the kind specified in the scheme, it is in the national interest that drawback should be allowed as provided by the scheme.

(2) Any such scheme—

(*a*) shall specify the class or description of manufactured goods in the case of which, and the class or description of material in respect of which, the drawback is to be allowed;

(*b*) may provide for the allowance of drawback in respect of such quantity of material of that class or description as is actually contained in the goods or is specified in the scheme as being the average quantity of such material (whether wholly duty-paid, or whether partly duty-paid and partly not duty-paid) used in the manufacture of goods of that class or description, either by manufacturers generally or by any particular manufacturer;

(*c*) shall specify the rate of drawback to be allowed, being such a rate fixed by reference to weight or some other measure of quantity as the Committee think fit, but not exceeding such an amount as appears to the Committee to be equivalent to the average amount of duty paid in respect of material of that class or description;

(*d*) may provide for the allowance of drawback for any period specified in the scheme, or without any limit of period.

(3) The Committee may at any time recommend such amendments of any scheme in force under this section as they think fit, and the Treasury may by order approve any amendment so recommended and thereupon the scheme shall have effect as so amended.

(4) Drawback shall only be allowed under this section in respect of such quantity of material as is shown to the satisfaction of the Commissioners of Customs and Excise to be duty-paid.

Part I. —*cont.*

(5) The Commissioners of Customs and Excise may make rules requiring persons who have been concerned at any stage with goods in the case of which drawback is claimed under any such scheme, to furnish such information as may be reasonably necessary to enable the Commissioners to determine whether duty has been paid on the material in respect of which the claim is made, and to produce any books of account or other documents of whatever nature relating to that material, and in particular such rules may provide that—

(*a*) a certificate signed by the proper officer of Customs and Excise to the effect that duty has been paid on a specified quantity of material; and

(*b*) a statement, signed by the manufacturer of the goods in the case of which drawback is claimed that the material to which the certificate relates has been used in the manufacture of those goods;

may be accepted by the Commissioners as sufficient evidence that duty has been paid on such quantity of material so used as is specified in the certificate.

(6) If any person contravenes or fails to comply with any such rules, he shall in respect of each offence be liable to a customs penalty of fifty pounds.

(7) Any order made by the Treasury under this section, together with the scheme or amendment thereby approved, shall be laid before the Commons House of Parliament as soon as may be after it is made, and subsections (3) and (4) of section nineteen of the Import Duties Act, 1932, shall apply as if the order had been made under that Act, and in this section the expression "appropriate Department" has the same meaning as in that Act.

(8) Where goods are brought into any such registered shipbuilding yard as is mentioned in section eleven of the Import Duties Act, 1932, from any other part of the United Kingdom, the Commissioners of Customs and Excise may, subject to such conditions as are mentioned in subsection (1) of the said section eleven, treat the goods for the purpose of the provisions of this section as if they had been exported from the United Kingdom.

Exemption of certain machinery from duties under 22 & 23 Geo. 5. c. 8.

10.—(1) If, in any case where it is proposed to import into the United Kingdom any consignment of machinery of a class or description to which this section applies, the Import Duties Advisory Committee are satisfied that machinery similar to that consignment is not for the time being procurable in the United Kingdom, and are of opinion that, having regard to all the circumstances, it is expedient that the consignment should be allowed to be imported without payment of all or any of the duties chargeable under the Import Duties Act, 1932, the Committee may make a recommendation to the Treasury accordingly, and the Treasury, after consultation with the Board of Trade, may by licence authorise the importation of the consignment in accordance with the recommendation.

(2) The Committee may at any time recommend that this section shall apply to any class or description of machinery, or shall cease to apply to any class or description of machinery to which it previously applied, and where any such recommendation is approved by the Treasury, this section shall apply or cease to apply accordingly.

Penalty on misdescribing liquor as spirits.

11.—(1) The following provisions of this section shall have effect for the protection of the revenue arising from the customs and excise duties on spirits.

(2) If any person—

(*a*) for the purpose of selling any liquor, describes the liquor (whether in any notice or advertisement, or on any label or wrapper, or in any other manner whatsoever) by any name or words which is or are calculated to indicate that the liquor is, or is a substitute for, or bears any resemblance to, any description of spirits, or that the liquor is wine fortified or mixed with spirits or any description of spirits; or

(*b*) sells, offers for sale, or has in his possession for the purpose of sale, any liquor so described,

that person shall be guilty of an offence under this section, unless he proves that either the customs duty or the excise duty chargeable on spirits has been paid in respect of not less than ninety-seven and one-half per cent. of the liquor:

Part I.—*cont.*

Provided that a person shall not be guilty of an offence under this section by reason only that he has, at some time between the commencement of this Act and the first day of October, nineteen hundred and thirty-two, described any liquor by any such name or words as aforesaid either on, or on a label affixed to, the container of the liquor, or the wrapper, or other covering, or partial covering, of the container, or sold, offered for sale, or had in his possession for the purpose of sale any liquor so described, if he proves that containers, labels, wrappers, coverings, or partial coverings, identical in all respects (including the name or words thereon) with the container, label, wrapper, covering, or partial covering used in the case in question were in use before the fourth day of May, nineteen hundred and thirty-two, for the purpose of describing the liquor.

(3) Where before the commencement of this Act liquor has been sold or offered for sale under any name which was used in association with a description calculated to give any such indication as aforesaid, that name or any similar name shall (subject to the provisions of the next following subsection) be deemed for the purposes of this section to be calculated to give that indication.

(4) Notwithstanding anything in this section—

(*a*) the name " port " or " sherry " or the name of any other description of genuine wine; or

(*b*) a name which before the fourth day of May, nineteen hundred and thirty-two, was used to describe a liquor containing vermouth and spirits, the quantity of vermouth being not less than the quantity of spirits computed at proof;

shall not, for the purposes of this section, be treated as being in itself calculated to give such an indication as aforesaid, whether it was or was not before the commencement of this Act used in association with a description calculated to give any such indication, and a person who has sold, offered for sale, or had in his possession for the purpose of sale any liquor described only by any such name as is mentioned in paragraph (*a*) of this subsection shall not be guilty of an offence under this section by reason that the liquor has been described by some other person (not being the agent or servant of the first-mentioned person) by that name in association with some other description calculated to give such an indication as aforesaid.

Part I. —*cont.*

(5) Any person guilty of an offence under this section shall, in respect of each offence, be liable on summary conviction to a fine not exceeding one hundred pounds, and, on the conviction of a person under this section, the court may direct that any liquor and other articles by means of or in relation to which the offence has been committed shall be forfeited, and any liquor or other article so directed to be forfeited shall be destroyed or otherwise disposed of as the court may direct.

(6) Nothing in this section shall apply to any liquor which is prepared on any premises (being premises in respect of which a licence is in force authorising the sale of intoxicating liquor for consumption on the premises) for immediate consumption thereon or is prepared in any registered club for immediate consumption in the club.

Penalty on misdescribing substances as beer.

12.—(1) The following provisions of this section shall have effect for the protection of the revenue arising from the customs and excise duties on beer.

(2) If any person—

(*a*) for the purpose of selling any substance, describes the substance (whether in any notice or advertisement, or on any label, or in any other manner whatsoever) by any name or words which is or are calculated to indicate that the substance is, or is a substitute for, or bears any resemblance to, ale, beer, porter, or stout, or any description of ale, beer, porter, or stout; or

(*b*) sells, offers for sale, or has in his possession for the purpose of sale, any substance so described;

that person shall be guilty of an offence under this section unless he proves that either the customs duty or the excise duty chargeable on beer has been paid in respect of the whole of the substance:

Provided that a person shall not be guilty of an offence under this section by reason only that he has, at some time between the commencement of this Act and

PART I. —*cont.*

the first day of October, nineteen hundred and thirty-two, described any substance by any such name or words as aforesaid either on, or on a label affixed to, the container of the substance or the wrapper or other covering or partial covering of the container, or sold, offered for sale, or had in his possession for the purpose of sale any substance so described if he proves that containers, labels, wrappers, coverings, or partial coverings identical in all respects (including the name or words thereon) with the container, label, wrapper, covering, or partial covering used in the case in question were in use before the eighth day of June, nineteen hundred and thirty-two, for the purpose of describing the substance.

(3) For the purposes of this section the name "ginger beer" or "ginger ale" shall not in itself be taken to be calculated to give any such indication as aforesaid.

(4) Any person guilty of an offence under this section shall, in respect of each offence, be liable on summary conviction to a fine not exceeding one hundred pounds, and, on the conviction of a person under this section, the court may order that any articles by means of or in relation to which the offence has been committed, shall be forfeited, and any articles so directed to be forfeited shall be destroyed or otherwise disposed of as the court may direct.

Amendment in respect of duties for licences on motor bicycles.

10 & 11 Geo. 5. c. 18.

13. As from the first day of January, nineteen hundred and thirty-three, the Second Schedule to the Finance Act, 1920, shall be amended by the substitution in paragraph 1 thereof, of the words—

"Bicycles:	£ s. d.
Where the cylinder capacity of the engine thereof—	
(*a*) does not exceed 150 cubic centimetres - - -	0 15 0
(*b*) exceeds 150 cubic centimetres but does not exceed 250 cubic centimetres -	1 10 0
(*c*) exceeds 250 cubic centimetres - - - -	3 0 0"

for the words—

	£ s. d.
"(*a*) If the cylinder capacity of the engine thereof does not exceed 150 cubic centimetres - - -	0 15 0

Part I. —*cont.*

(*b*) In other cases—

	£	*s.*	*d.*
Not exceeding 224 lbs. in weight unladen - - - - -	1	10	0
Exceeding 224 lbs. in weight unladen - - - - -	3	0	0"

and by the insertion at the end of the said paragraph 1 of the following words—

> "Provided that the duty in respect of a bicycle, the weight of which unladen does not exceed 224 lbs, shall, if the bicycle is one in respect of which a licence was taken out before the first day of January, nineteen hundred and thirty-three, continue, notwithstanding that the cylinder capacity of the engine thereof exceeds 250 cubic centimetres, to be chargeable at the rate payable before the first day of January, nineteen hundred and thirty-three."

Effect for purpose of s. 14 of 12 & 13 Geo. 5. c. 17 of change of user &c. of mechanically propelled vehicles.

14. Where a licence has been taken out for a mechanically propelled vehicle of a certain class or description, duty at a higher rate applicable to mechanically propelled vehicles of some other class or description shall not by virtue of section fourteen of the Finance Act, 1922, become chargeable in respect of the said licence by reason of any such user of the vehicle as is mentioned in the said section fourteen, unless the vehicle as used while the said licence is in force satisfies all the conditions which must be satisfied in order to bring a vehicle, for the purpose of the charge of duty under the Second Schedule to the Finance Act, 1920, into the said other class or description of vehicles.

PART II.

INCOME TAX.

Income tax for 1932-33.

15.—(1) Income tax for the year 1932–33 shall be charged at the standard rate of five shillings in the pound, and, in the case of an individual whose total income from all sources exceeds two thousand pounds, at such higher rates in respect of the excess over two thousand pounds as Parliament may hereafter determine.

(2) All such enactments as had effect with respect to the income tax charged for the year 1931–32 shall

Part II.—*cont.*

have effect with respect to the income tax charged for the year 1932–33.

Higher rates of income tax for 1931-32.

16. Income tax for the year 1931–32 in respect of the excess of the total income of an individual over two thousand pounds shall be charged at rates in the pound which respectively exceed the standard rate by amounts equal to the amounts by which the rates at which income tax was charged in respect of the said excess for the year 1930–31 respectively exceeded the standard rate for that year.

Tax in respect of voluntary pensions.

17.—(1) Where a person has ceased to hold any office or employment and any pension or annual payment is paid to him, or to his widow or child, or to any relative or dependant of his, by the person under whom he held the office or by whom he was employed, or by the successors of that person, then, notwithstanding that the pension or payment is paid voluntarily, or is capable of being discontinued, it shall be deemed to be income for the purposes of assessment of income tax and in the case of a pension or annual payment which is paid by or on behalf of a person outside the United Kingdom shall be assessed and charged by reference to the provisions of Rule 2 of the Rules applicable to Case V of Schedule D and in any other case shall be assessed and charged under Schedule E.

(2) For the purpose of removing doubts, it is hereby declared that the expressions " annuity " and " pension " in the charging provision of Schedule E and in subsection (1) of section seventeen of the Finance Act, 1923, include respectively an annuity and a pension which is paid voluntarily or is capable of being discontinued.

13 & 14 Geo. 5. c. 14.

(3) The expression " earned income " in subsection (3) of section fourteen of the Income Tax Act, 1918, shall be deemed to include any annuity, pension or annual payment to which this section applies.

8 & 9 Geo. 5. c. 40.

Additional deductions in case of machinery and plant.

18.—(1) Where, under Rule 6 of the Rules applicable to Cases I and II of Schedule D, a deduction in respect of wear and tear of any machinery or plant during any year of assessment is allowed either in charging profits or gains for the year, or, where the machinery or plant is let, by the repayment of a portion of the tax assessed and charged in respect of the machinery or plant and deducted from the rent, the Commissioners by whom the deduction is allowed shall, either in charging the profits or gains, or by means of such repayment as aforesaid, as the case may be, allow an additional deduction equal to one-tenth of the amount of the deduction allowed under the said Rule 6 as aforesaid, but excluding from that amount any sum included therein by virtue of paragraph (3) of the said Rule.

(2) Where, for any purpose of the Income Tax Acts, account is required to be taken of any deductions allowed, or deemed to have been allowed, in respect of wear and tear for any years prior to the year of assessment, or of the aggregate of the amount of those deductions and of any such deduction for the year of assessment, the additional deduction under this section for any of the said years shall for that purpose be treated as if it were part of the deduction in respect of wear and tear for that year.

Extension of period for carrying forward losses in certain cases.

19.—(1) Where a loss sustained by a person has been carried forward under section thirty-three of the Finance Act, 1926, and as regards that loss or any part thereof a deduction or set off cannot be given under that section from or against the profits or gains on which the person is assessed under Schedule D for the six years following the year in which the loss was sustained owing to the allowance in the assessments for those years of deductions for wear and tear of machinery or plant under Rule 6 of the Rules applicable to Cases I and II of Schedule D, then so much of the loss in respect of which relief has not been given as represents the amount in respect of which relief could have been given but for the allowance aforesaid shall be further carried forward and deducted or set off under and in accordance with the provisions of the said section as if, in relation to the loss so carried forward, for references in the said section and in section nineteen of the Finance Act, 1928, to the six years of assessment following the year in which the loss was sustained there were substituted references to all following years of assessment:

18 & 19 Geo. 5. c. 17.

Provided that—

(*a*) this section shall not apply in relation to the carrying forward, deduction or set off of a loss under section thirty-three of the Finance

PART II.
—*cont.*

17 & 18 Geo. 5 c. 10.

Act, 1926, as applied by section twenty-nine of the Finance Act, 1927;

(*b*) the same deduction for wear and tear of machinery or plant to which effect is given in any year of assessment shall not be taken into account more than once for the purposes of this section.

(2) Any relief given under section thirty-three of the Finance Act, 1926, from an assessment shall be given in respect of a loss sustained in any year within the six years immediately preceding the year of assessment before it is given in respect of a loss sustained in any year not within those six years.

Extension of relief under s. 32 of 8 & 9 Geo. 5. c. 40, in respect of certain insurance premiums to premiums on insurances made with certain underwriters.

9 Edw. 7. c. 49.

20. Section thirty-two of the Income Tax Act, 1918 (which provides for relief from tax in respect of life insurance premiums, &c.), shall be extended so as to apply to insurances made and annuities contracted for with underwriters, being members of Lloyd's or of any other association of underwriters approved by the Board of Trade, who comply with the requirements set forth in the Eighth Schedule to the Assurance Companies Act, 1909, as that section applies to insurances made and annuities contracted for with such an insurance company as is mentioned therein.

PART III.

NATIONAL DEBT.

Provision as to permanent annual charge for National Debt for 1932-33.

21. The permanent annual charge for the National Debt for the financial year ending on the thirty-first day of March, nineteen hnndred and thirty-three, shall be the sum of three hundred and eight million, five hundred thousand pounds, instead of the sum of three hundred and twenty-two million pounds.

Charge of 4 per cent. Consols sinking fund on Consolidated Fund.

22. There shall be charged on and issued out of the Consolidated Fund or the growing produce thereof any moneys required for the purpose of any undertaking contained in any prospectus to purchase and cancel four per cent. Consolidated Loan.

Part III.—*cont.*

Extension of 5 & 6 Geo. 5. c. 93, s. 5, to Isle of Man. 5 & 6 Geo. 5. c. 55. 17 & 18 Geo. 5. c. 42.

23. Section five of the War Loan (Supplemental Provisions) Act, 1915 (which empowers the Treasury to make regulations as to the manner and conditions in which money may be raised through the Post Office under the War Loan Act, 1915, as subsequently amended) shall extend to the Isle of Man and, notwithstanding anything in the Statute Law Revision Act, 1927, shall be deemed to have so extended at all times.

PART IV.

EXCHANGE EQUALISATION ACCOUNT.

Establishment of Exchange Equalisation Account.

24.—(1) There shall be established an account, to be called "the Exchange Equalisation Account," which shall be under the control of the Treasury and shall be used for the purposes specified in this Part of this Act.

(2) The Treasury may, if at any time they think it expedient so to do, cause the Exchange Equalisation Account (in this Part of this Act referred to as "the Account") to be wound up forthwith, and the Account shall in any event be wound up not later than six months after the date on which the Commons House of Parliament resolve that the Account is no longer required for the purpose for which it was established.

(3) The Treasury may cause any funds in the Account to be invested in securities or in the purchase of gold in such manner as they think best adapted for checking undue fluctuations in the exchange value of sterling.

(4) There shall be issued to the Account out of the Consolidated Fund, or the growing produce thereof, at such times and in such manner as the Treasury may direct such sums, not exceeding in the aggregate one hundred and fifty million pounds, as the Treasury may determine, and all the assets of the Exchange Account shall be transferred to the Account at such time as the Treasury may direct.

(5) For the purpose of providing for the issue of sums out of the Consolidated Fund under the last preceding subsection or for the repayment to that Fund of all or any part of any sums so issued, the Treasury may raise money in any manner in which they are

Part IV. —*cont.*

authorised to raise money under and for the purposes of subsection (1) of section one of the War Loan Act, 1919, and any securities created and issued to raise money under this subsection shall for all purposes be deemed to have been created and issued under the said subsection (1).

9 & 10 Geo. 5 c. 37.

(6) The Bank of England may advance to the Treasury any sums which the Treasury have under this section power to raise.

(7) The Account shall in every year until it is wound up be examined by the Comptroller and Auditor-General in such manner as he, in his discretion, thinks proper with a view to ascertaining whether the operations on and the transactions in connection with the Account have been in accordance with the provisions of this Part of this Act, and he shall certify to the Commons House of Parliament whether in his opinion, having regard to the result of the examination, the operations on and the transactions in connection with the Account have or have not been in accordance with the provisions of this Part of this Act.

Application of Account, transfers thereto, &c.

25.—(1) There shall be paid to the Issue Department of the Bank of England out of the Account such sum not exceeding eight million pounds as is in the opinion of the Treasury equal to the amount of the net loss which by reason of variations in rates of exchange has been sustained in connection with the credits obtained by the Bank of England from the Bank of France and the Federal Reserve Bank of New York on the first day of August, nineteen hundred and thirty-one.

(2) For the purpose of any valuation of the assets held in the Issue Department of the Bank of England, being a valuation made before the winding up of the Account—

(*a*) gold held in the Department shall be taken to be of the value of three pounds seventeen shillings and tenpence halfpenny for every ounce troy of the standard fineness specified in the First Schedule to the Coinage Act, 1870 (hereafter referred to as "the fixed value"); and

33 & 34 Vict. c. 10.

(*b*) assets in currencies other than sterling held in the Department shall be valued at the rate of exchange prevailing at the date of each valuation.

(3) Whenever any gold is purchased or sold on account of the Issue Department during the existence of the Account, the amount by which the price of the gold exceeds the fixed value thereof shall, in the case of a purchase, be made good to the Issue Department from the Account, and, in the case of a sale, be made good to the Account from the Issue Department.

(4) Immediately before the Account is wound up, the amount by which the market value (as agreed between the Bank and the Treasury) of the gold then held in the Issue Department exceeds its fixed value shall be made good by the Department to the Account.

(5) If on any sale of assets in currencies other than sterling held in the Issue Department (whether the sale occurred before the establishment of the Account or occurs at any time during the existence of the Account), or on any valuation during the existence of the Account of any such assets, it appears that by reason of variations in rates of exchange occurring at any time after the twenty-first day of September, nineteen hundred and thirty-one, there has been any depreciation or loss in connection with those assets, the amount of the depreciation or loss shall be made good to the Issue Department from the Account, and if on any such sale or valuation as aforesaid it appears that by reason as aforesaid any appreciation or gain has arisen in connection with any of the said assets, the amount of the appreciation or gain shall be made good from the Issue Department to the Account.

(6) Where under this section any amount is to be made good from or to the Account, there may, in lieu of a payment in cash, be transferred from or to the Account securities equivalent in value, in the opinion of the Treasury, to that amount.

(7) It is hereby declared that in subsection (3) of the last preceding section of this Act and in section three of the Currency and Bank Notes Act, 1928 (which relates to the securities to be held in the Issue Department), the expression "securities" includes securities and assets in currency of any country and in whatever form held.

18 & 19 Geo. 5. c.13.

Winding-up of Account.

26. On the winding-up of the Account the assets thereof shall be applied in such manner as the Treasury may direct for the redemption of debt, and the Treasury

PART IV. —*cont.*

shall thereupon cause to be laid before Parliament a statement of the sum so applied, and of the sums issued out of the Consolidated Fund to the Account, together with a report by the Comptroller and Auditor-General with respect to such matters in relation to the Account as he thinks fit.

PART V.

MISCELLANEOUS.

Suspension of land value tax. 21 & 22 Geo. 5. c. 28.

27. Section ten of the Finance Act, 1931, which provides that land value tax shall be charged for the financial year ending the thirty-first day of March, nineteen hundred and thirty-four, and for each subsequent financial year, shall have effect as if for the reference therein to the financial year ending as aforesaid there were substituted a reference to such financial year as Parliament may hereafter determine, and the provisions of Part III of the said Act relating to valuation shall have effect as if for the dates respectively mentioned in the definition of "valuation date" in section thirty-two of the said Act there were substituted such dates as Parliament may hereafter determine.

Power to make advances to Road Fund for meeting expenditure in connection with expedited schemes.

9 Edw. 7. c. 47.

28.—(1) There may at any time within the financial year ending on the thirty-first day of March, nineteen hundred and thirty-three, be advanced, subject to the approval of the Treasury, to the Road Fund, out of moneys provided by Parliament (in addition to any advances made to that Fund under section twenty-seven of the Finance Act, 1928), such sums, not exceeding in the aggregate two million seven hundred and fifty thousand pounds, as may be required for the purpose of making any payments falling to be made out of the Road Fund on account of expenditure incurred in respect of the construction or improvement of roads within the meaning of the Development and Road Improvement Funds Act, 1909, including any such construction or improvement undertaken in pursuance of schemes expedited on account of the conditions of employment, which cannot be met out of the income of the Road Fund.

(2) Any sums advanced under this section, together with interest thereon or on such part thereof as is for

the time being outstanding, at such rate as may be fixed by the Treasury, shall be charged on the Road Fund, and the said sums shall be repaid out of the Road Fund to the Exchequer by such instalments and at such dates between the first day of April, nineteen hundred and thirty-five, and the thirty-first day of March, nineteen hundred and forty-one, as the Treasury may determine.

(3) Any interest chargeable in respect of advances made under this section shall be paid annually on such date as the Treasury may determine.

(4) Section thirty-six of the Finance Act, 1931, (which authorises certain advances to the Road Fund within the financial year ending on the thirty-first day of March, nineteen hundred and thirty-two) shall have effect as if in subsection (2) thereof for the words " nineteen hundred and thirty-six " there were substituted the words " nineteen hundred and thirty-five."

Power to grant compensation allowances to certain collectors of taxes on determination of appointment.

29.—(1) With a view to facilitating improvements in the organisation of the collection of taxes and thereby conducing to greater efficiency and economy, the Treasury are hereby authorised to grant, subject to and in accordance with such conditions as they may prescribe, an annual allowance by way of compensation to any collector of taxes to whom this section applies in the event of his appointment being determined after the commencement of this Act.

(2) This section applies to any collector of taxes in England or Northern Ireland who held an appointment as such, in England under the Commissioners of Inland Revenue, or in Northern Ireland under the Special Commissioners, on the thirty-first day of July, nineteen hundred and thirty-one, and has continued to hold the appointment up to the commencement of this Act.

(3) The Pensions Commutation Acts, 1871 to 1882, shall apply to any collector to whom a compensation allowance is awarded in pursuance of this section as if he had retired from a public civil office in consequence of the abolition of his office.

(4) The provisions of this section shall apply in relation to collectors of land tax as they apply in relation to collectors of taxes.

Part V.—*cont.*

Stamp duty in respect of audit by district auditors.

11 & 12 Geo. 5. c. 32.

30. Subsection (1) of section sixty-one of the Finance Act, 1921, shall have effect, and shall be deemed always to have had effect, as if, in all cases whatsoever where by virtue of any enactment the accounts of any local authority are subject to audit by district auditors, it required the stamp duty chargeable in respect of the audit to be calculated in accordance with the scale fixed under that section:

Provided that nothing in this section shall be taken to affect the provisions of subsection (2) of the said section sixty-one.

Construction, short title and extent.

39 & 40 Vict. c. 36.

31.—(1) Part I of this Act so far as it relates to duties of customs shall be construed as one with the Customs Consolidation Act, 1876, and so far as it relates to duties of excise shall be construed as one with the Acts which relate to the duties of excise and to the management of those duties.

(2) Part II of this Act shall be construed as one with the Income Tax Acts.

(3) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, including this Act.

(4) In this Act the expression "the United Kingdom" does not include the Isle of Man.

(5) This Act may be cited as the Finance Act, 1932.

(6) Such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

Customs Duties on Colonial Sugar, Molasses, &c.

1. *Sugar.*

Article.	Rates of Duty.			
	In the case of sugar accompanied by a quota certificate.		In any other case.	
	s.	*d.*	*s.*	*d.*
Sugar of a polarisation exceeding 99 degrees - - - - the cwt.	3	6·5	4	8·2
Sugar of a polarisation exceeding 98 but not exceeding 99 degrees - the cwt.	2	7·2	3	8·2
Sugar of a polarisation not exceeding 76 degrees - - - - the cwt.	1	4·2	1	10·8
Sugar of a polarisation exceeding—				
76° but not exceeding 77° - the cwt.	1	4·4	1	11·2
77° ,, ,, 78° - ,,	1	5·0	2	0·0
78° ,, ,, 79° - ,,	1	5·5	2	0·8
79° ,, ,, 80° - ,,	1	6·0	2	1·5
80° ,, ,, 81° - ,,	1	6·6	2	2·3
81° ,, ,, 82° - ,,	1	7·1	2	3·0
82° ,, ,, 83° - ,,	1	7·6	2	3·8
83° ,, ,, 84° - ,,	1	8·2	2	4·6
84° ,, ,, 85° - ,,	1	8·8	2	5·4
85° ,, ,, 86° - ,,	1	9·4	2	6·3
86° ,, ,, 87° - ,,	1	10·0	2	7·1
87° ,, ,, 88° - ,,	1	10·7	2	8·1
88° ,, ,, 89° - ,,	1	11·3	2	9·0
89° ,, ,, 90° - ,,	2	0·1	2	10·1
90° ,, ,, 91° - ,,	2	0·9	2	11·3
91° ,, ,, 92° - ,,	2	1·7	3	0·4
92° ,, ,, 93° - ,,	2	2·5	3	1·5
93° ,, ,, 94° - ,,	2	3·2	3	2·6
94° ,, ,, 95° - ,,	2	4·0	3	3·7
95° ,, ,, 96° - ,,	2	4·8	3	4·8
96° ,, ,, 97° - ,,	2	5·7	3	6·0
97° ,, ,, 98° - ,,	2	6·5	3	7·1

1st Sch. —*cont.*

In the foregoing table the expression "quota certificate" means a certificate issued by the Secretary of State certifying that the sugar in question forms part of the quantity of sugar which may be imported from the colonies and other countries to which section two of this Act applies at the lower of the rates of duty chargeable in respect of such sugar:

Provided that the quantity of sugar in respect of which quota certificates are issued shall not in the financial year ending the thirty-first day of March, nineteen hundred and thirty-three, exceed two hundred and seventy-five thousand tons, and shall not in any subsequent year during which section two of this Act remains in force exceed such a quantity as may be fixed by the Treasury after consultation with the Secretary of State.

2. *Molasses, &c.*

Articles.		Rate of duty. *s.*	*d.*
Molasses (including all sugar and extracts from sugar which cannot be completely tested by the polariscope), if the sweetening matter contained therein—			
amounts to 70 per cent. or upwards	the cwt.	3	0
exceeds 50 per cent. but does not amount to 70 per cent.	the cwt.	2	2
does not exceed 50 per cent.	the cwt.	1	0½
Glucose—			
Solid	the cwt.	3	0
Liquid	the cwt.	2	2
Saccharin (including substances of a like nature or use)	the oz.	1	6½

SECOND SCHEDULE.

Section 3.

Excise Duties on Sugar, Molasses, &c.

1. *Sugar.*

Article.		Rate of duty.	
		s.	*d.*
Sugar of a polarisation exceeding 99 degrees -	the cwt.	4	7
Sugar of a polarisation exceeding 98 but not exceeding 99 degrees - - - - -	,,	3	7·1
Sugar of a polarisation not exceeding 76 degrees - - - - - - -	,,	1	10·2
Sugar of a polarisation exceeding—			
76 degrees but not exceeding 77 degrees -	,,	1	10·6
77 ,, ,, 78 ,, -	,,	1	11·4
78 ,, ,, 79 ,, -	,,	2	0·1
79 ,, ,, 80 ,, -	,,	2	0·9
80 ,, ,, 81 ,, -	,,	2	1·6
81 ,, ,, 82 ,, -	,,	2	2·3
82 ,, ,, 83 ,, -	,,	2	3·1
83 ,, ,, 84 ,, -	,,	2	3·9
84 ,, ,, 85 ,, -	,,	2	4·7
85 ,, ,, 86 ,, -	,,	2	5·5
86 ,, ,, 87 ,, -	,,	2	6·3
87 ,, ,, 88 ,, -	,,	2	7·3
88 ,, ,, 89 ,, -	,,	2	8·2
89 ,, ,, 90 ,, -	,,	2	9·3
90 ,, ,, 91 ,, -	,,	2	10·4
91 ,, ,, 92 ,, -	,,	2	11·5
92 ,, ,, 93 ,, -	,,	3	0·6
93 ,, ,, 94 ,, -	,,	3	1·6
94 ,, ,, 95 ,, -	,,	3	2·7
95 ,, ,, 96 ,, -	,,	3	3·8
96 ,, ,, 97 ,, -	,,	3	4·9
97 ,, ,, 98 ,, -	,,	3	6·0

2nd Sch.
—*cont.*

2. *Molasses, &c.*

Article.	Rates of Duty.		
Molasses (including all sugar and extracts from sugar which cannot be completely tested by the polariscope), if the sweetening matter contained therein—		*s.*	*d.*
amounts to 70 per cent. or upwards -	the cwt.	2	11
exceeds 50 per cent. but does not amount to 70 per cent. - - - - -	the cwt.	2	1½
does not exceed 50 per cent. - - -	the cwt.	1	0½
Glucose—			
Solid - - - - - - -	the cwt.	2	11
Liquid - - - - - - -	the cwt.	2	1½
Saccharin (including substances of a like nature or use) - - - - -	the oz.	1	6

Section 4.

THIRD SCHEDULE.

Scales of Drawback on certain Sugar and Molasses.

1. Scale applicable in the case of Sugar.

Degree of Polarisation.	Rate or amount of drawback.
Of a polarisation exceeding 99 degrees.	Where the rate of duty paid was 4*s*. 8·2*d*., 3*s*. 6·5*d*. or 4*s*. 7*d*. the cwt., a drawback at the same rate as the duty paid. Where a customs duty was paid on the higher scale at a rate less than 4*s*. 8·2*d*. the cwt., a drawback at the rate of 3*s*. 10·9*d*. the cwt. Where a customs duty was paid on the lower scale at a rate less than 3*s*. 6·5*d*. the cwt., a drawback at the rate of 2s. 9·2*d*. the cwt. Where an excise duty was paid at a rate less than 4*s*. 7*d*. the cwt., a drawback at the rate of 3*s*. 9⅔*d*. the cwt.

Degree of Polarisation.	Rate or amount of drawback.
Of a polarisation not exceeding 99 degrees.	Where a customs duty was paid on the lower or higher scale, a drawback equal to the duty chargeable on sugar of the like polarisation in accordance with the scale on which duty was paid. Where an excise duty was paid, a drawback equal to the excise duty chargeable on sugar of the like polarisation.

2. Scale applicable in the case of Molasses.

Nature of Molasses.	Amount of Drawback.		
	Where Customs Duty paid on Higher Scale.	Where Customs Duty paid on Lower Scale.	Where Excise Duty paid.
	s. *d.*	*s.* *d.*	*s.* *d.*
If containing not more than 50 per cent. of sweetening matter and weighing not less than 14 pounds to the gallon.	0 11	0 8	0 11
If containing more than 50 per cent. but not more than 60 per cent. of sweetening matter.	1 4½	1 0	1 4½
If containing more than 60 per cent. but not more than 70 per cent. of sweetening matter.	1 10½	1 4	1 10
If containing more than 70 per cent. but not more than 80 per cent. of sweetening matter.	2 6½	1 9½	2 6
If containing more than 80 per cent. of sweetening matter.	2 11	2 0½	2 10

In this Schedule—

The expression "the lower scale" means the scale of duties chargeable under the First Schedule to this Act in the case of sugar accompanied by a quota certificate;

The expression "the higher scale" means the scale of duties chargeable under the First Schedule to this Act in the case of sugar not accompanied by a quota certificate.

CHAPTER 26.

An Act to transfer to the University Courts the right of presentation or appointment to certain chairs or professorships in the faculties of divinity or theology in the universities of Scotland; to remove restrictions as regards appointment to chairs or professorships in the said universities; to extend the powers of the University Courts of the said universities with regard to the making of ordinances, and for purposes connected therewith.

[16th June 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Transfer of right of appointment to theological chairs in the Scottish Universities.

1. The right of presentation or appointment to any theological chair in any of the Scottish Universities which, according to the law existing immediately prior to the passing of this Act, was vested in His Majesty or in any body or person other than the University Court shall, subject to the provisions of the immediately succeeding section, be transferred to and vested in the University Court of the university to which the chair belongs.

Extension of powers of University Courts to make ordinances. 52 & 53 Vict. c. 55.

2.—(1) The powers conferred on the University Court of each of the Scottish Universities by section twenty-one of the Universities (Scotland) Act, 1889 (which confers power on these courts to make, alter or revoke ordinances), shall include power, subject to the provisions of that section, to make and to alter or revoke such ordinances as the University Court think fit:—

(*a*) constituting a board of nomination composed of representatives elected in equal numbers by the University Court and by or under the authority of the General Assembly or otherwise in such manner as may be agreed on by the University

Court and the General Assembly, and ordaining that a vacancy in any theological chair founded prior to the passing of this Act shall be filled by the appointment by the University Court of a person nominated by the aforesaid board if such nomination is agreed to by two-thirds of the whole number of the members of the board, and is intimated to the University Court within twelve months after the occurrence of the vacancy, and that failing such intimation within the said period the University Court may proceed to make an appointment without further consultation with the Board of Nomination;

(*b*) founding new chairs or professorships in the faculty of divinity or theology where such a course seems desirable in order to provide for the admission, as professors in the university and members of the Senatus and the faculty of divinity, of the holders of professorships in the former United Free Church Colleges, and where the General Assembly guarantees to the satisfaction of the University Court the payment of sufficient annual salaries and sufficient contributions for the purposes of superannuation to or on behalf of the holders of such new chairs or professorships; and ordaining in the case of any such new chair or professorship (i) that appointment thereto shall be made by the University Court on the nomination of the General Assembly or of any commission, board, or other body to whom the General Assembly may delegate its power so to nominate, if such nomination is intimated to the University Court within such period (not exceeding eighteen months after the occurrence of a vacancy in such new chair or professorship) as may be agreed on by the University Court and the General Assembly, (ii) that, if no such nomination shall be so intimated within the aforesaid period, such appointment may be made by the University Court after consultation with the General Assembly or with any such commission, board, or other body, as aforesaid; and (iii) that no provision in any ordinance made by the University Court limiting the tenure of office of any professor by reference to age, or instituting or adopting a system of pensions or superannuation allowances shall, except with his consent, apply to any person who shall be appointed to any such new chair or professorship, and who before such appointment shall have held a chair or professorship in any of the aforesaid colleges;

(*c*) altering, with the consent of the General Assembly or of any commission, board, or other body to which the General Assembly may delegate the power so to consent, the name of any chair founded in pursuance of this section, or the scope of teaching, duties, and conditions of appointment of the professor, or, with the consent of the General Assembly, abolishing such chair, provided that no such ordinance shall authorise such alteration or abolition, except on the occurrence of a vacancy, or with the consent of the holder of the chair for the time being;

(*d*) in the case of the University of St. Andrews, separating the Principalship of St. Mary's College in that University from the Primarius Professorship of Divinity in the said College, and making such division of the emoluments attached to the said Principalship and Professorship conjointly prior to such separation, as the University Court may think fit.

(2) Any ordinance made by the University Court of the University of Aberdeen under paragraph (*a*) of subsection (1) of this section may provide that the nomination board constituted under such ordinance may, in the case of a nomination for the Chair of Systematic Theology in the said University, follow the procedure established by the deed of erection relating to such Chair.

(3) The power to found new chairs or professorships conferred on a University Court by paragraph (*b*) of subsection (1) of this section shall not be exerciseable after the expiry of seven years from the passing of this Act.

(4) When an ordinance under paragraph (*d*) of subsection (1) of this section separating the principalship

from the professorship therein referred to has come into operation, the right of presentation or appointment to the said principalship and to the said professorship shall be vested in the University Court, subject in the case of the professorship to the provisions of paragraph (*a*) of the said subsection (1).

(5) Nothing in the foregoing provisions of this section, or of any ordinance made thereunder, shall prejudice any rights reserved to the Free Church of Scotland by the Order entitled "Assembly Records, Libraries, &c.," and dated the twenty-ninth day of November, nineteen hundred and nine, made by the Commissioners under the Churches (Scotland) Act, 1905. 5 Edw. 7. c. 12.

Provision regarding bursaries or scholarships in United Free Church of Scotland. 45 & 46 Vict. c. 59.

3. Notwithstanding anything contained in any deed of foundation establishing bursaries or scholarships tenable by students of theology in the former United Free Church Colleges or in any scheme made or approved by the Court of Session or in any scheme under the Educational Endowments (Scotland) Act, 1882, or in any order under the Churches (Scotland) Act, 1905, regarding such bursaries or scholarships, it shall be lawful for the trustees, patrons or administrators under such deed of foundation or under such scheme or order to provide and declare by deed of declaration under their hands that such bursaries or scholarships shall be tenable by students of theology preparing for the Ministry of the Church of Scotland or of the United Free Church of Scotland (Continuing) and attending any Scottish University or a specified Scottish University and such provision and declaration shall be of the like force and effect as if it had been contained in the deed of foundation or in such a scheme or order as aforesaid: Provided that, where by the terms of the deed of foundation or of any such scheme or order as aforesaid any such bursary or scholarship is tenable only by students attending a specified former United Free Church College, no deed of declaration under this section shall, except with the consent of the Church of Scotland given in such way as the General Assembly may appoint, provide or declare that such bursary or scholarship shall be tenable at any university other than that in the burgh in which such college is situated:

Provided also that, where any bursary or scholarship which, in pursuance of a deed of declaration under this section is tenable at a Scottish university, is awarded to a student of theology preparing for the ministry of the United Free Church of Scotland (Continuing), any period not exceeding one year during such student's tenure of the bursary or scholarship which he may spend as a student in the College of the United Free Church of Scotland (Continuing) shall, for the purposes of the said deed of declaration, be deemed to be spent at the university.

Agreements for admission of teachers of theology to university status.

4. Nothing in this Act contained shall restrict any University Court from entering into agreements with any Christian Church or Association of Christians whereby teachers of theology may be admitted to university status or privileges.

Declaration in Act of Queen Anne not to be required of principals of or professors in Scottish Universities.

5. It shall not be necessary for any person who shall have been, or shall be, elected, presented or provided to the office of principal, professor, regent, master or other office in any of the universities or colleges in Scotland to make and subscribe the acknowledgement or declaration mentioned in an Act passed in the fourth session of the first Parliament held in Scotland by Her Majesty Queen Anne, intituled "Act for securing the Protestant religion and Presbyterian Church Government."

Interpretation.

6. In this Act, unless the context otherwise requires:—

"General Assembly" means the General Assembly of the Church of Scotland;

"Theological chair" means the chair of any professor who for the time being is included as a professor in the faculty of theology or divinity in any of the Scottish Universities;

"Former United Free Church College" means a college which, prior to the Union of the United Free Church and the Church of Scotland on the second day of October, nineteen hundred and twenty-nine, belonged to and was administered by the United Free Church of Scotland or which was associated with that church, and which since that date has belonged to and been administered by the Church of Scotland or has been associated with that church;

and other expressions shall have the like meaning as in the Universities (Scotland) Acts, 1858 to 1922.

7.—(1) This Act shall extend to Scotland only and may be cited as the Universities (Scotland) Act, 1932, and the Universities (Scotland) Acts, 1858 to 1922, and this Act may be cited together as the Universities (Scotland) Acts, 1858 to 1932.

Extent, short title and repeal.

(2) The enactments set forth in the Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

SCHEDULE.

Section 7.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
16 & 17 Vict. c. 89.	The Universities (Scotland) Act, 1853.	The whole Act in so far as not already repealed.
22 & 23 Vict. c. 24.	The Universities (Scotland) Act, 1859.	The whole Act in so far as not already repealed.
5 Edw. 7. c. 12	The Churches (Scotland) Act, 1905.	In section five, the words "and from persons appointed to chairs of theology in the Scottish Universities and the Principal of St. Mary's College, St. Andrews, respectively."

CHAPTER 27.

An Act to prevent the conversion of entailed interests into absolute interests and the destruction of interests expectant thereon by the statutory trusts for sale, and to define the expression "rent charge in possession."

[16th June 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Saving of beneficial interests. 15 & 16 Geo. 5. c. 18. 15 & 16 Geo. 5. c. 20. 16 & 17 Geo. 5. c. 11.

1.—(1) At the end of subsection (6) of section thirty-six of the Settled Land Act, 1925, and at the end of section thirty-five of the Law of Property Act, 1925, and before the provision added to that section by the Law of Property (Amendment) Act, 1926, the following words shall, in each case, be inserted, namely:—

> "and the right of a person who, if the land had not been made subject to a trust for sale by virtue of this Act, would have been entitled to an entailed interest in an undivided share in the land, shall be deemed to be a right to a corresponding entailed interest in the net proceeds of sale attributable to that share."

(2) This section shall be deemed to have come into operation on the first day of January, nineteen hundred and twenty-six, but shall have effect without prejudice to any order of the court made before the date of the passing of this Act, or to any title acquired by a purchaser for money or money's worth before that date.

Definition of rent charge.

2. For removing doubt it is hereby declared that a rent charge (not being a rent charge limited to take effect in remainder after or expectant on the failure or determination of some other interest) is a rent charge in possession within the meaning of paragraph (*b*) of subsection (2) of section one of the Law of Property Act, 1925, notwithstanding that the payments in respect thereof are limited to commence or accrue at some time subsequent to its creation.

Short title and construction.

3.—(1) This Act may be cited as the Law of Property (Entailed Interests) Act, 1932, and so far as it amends any Act shall be construed as one with that Act.

(2) The Law of Property Acts, 1925 to 1929, and this Act, so far as it amends those Acts, may be cited together as the Law of Property Acts, 1925 to 1932.

CHAPTER 28.

An Act to enable local authorities to provide or contribute towards the provision of means for cleansing shell-fish. [16th June 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provision of means for cleansing shell-fish.

1.—(1) It shall be lawful for any of the following authorities, namely—

(*a*) a county council;

(*b*) a local authority within the meaning of the Public Health Acts, 1875 to 1926;

(*c*) a sanitary authority within the meaning of the Public Health (London) Acts, 1891 to 1926;

to provide tanks or other apparatus for cleansing shell-fish (together with all works and appliances necessary for the proper use thereof) and to make, in respect of the use of any tank or other apparatus so provided, such reasonable charges as the authority may determine.

(2) Any of the authorities aforesaid may contribute, on such terms as may be agreed, towards the expenses incurred in pursuance of this Act by any other of the authorities aforesaid or by a joint committee of any of the authorities aforesaid, or towards expenses incurred by any other person in providing, and making available to the public, means for cleansing shell-fish.

(3) Any expenses incurred by a county council in pursuance of this Act shall be defrayed as expenses for general county purposes or, if the Minister of Health so directs, as expenses for special county purposes, chargeable upon such part of the county as he may determine.

(4) The purposes of this Act shall be purposes for which—

(*a*) the London County Council may borrow under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment; and

2 & 3 Geo. 5. c. cv.

(*b*) a sanitary authority may borrow under subsection (2) of section one hundred and five of the Public Health (London) Act, 1891.

54 & 55 Vict. c. 76.

(5) In this section the expression "cleansing shell-fish" includes the subjection of shell-fish to any germicidal treatment.

Saving for works below high-water mark.

2.—(1) Nothing in this Act shall authorise the establishment of any tank or other apparatus, or the execution of any other work, on, over or under tidal lands below high-water mark of ordinary spring tides, except in accordance with such plans and sections and subject to such restrictions and conditions as may be approved in writing by the Board of Trade before the work is commenced.

(2) For the purpose of this section, the approval of the Board of Trade may be signified under the hand of one of the secretaries or assistant secretaries of the Board.

Application to Scotland

3. In the application of this Act to Scotland, the following modifications shall be made:—

(*a*) References to the authorities specified in subsection (1) of section one shall be construed as references, in the case of a large burgh within the meaning of the Local Government (Scotland) Act, 1929, to the town council, and, in the case of a county (including therein any small burghs within the meaning of the said Act of 1929), to the county council:

19 & 20 Geo. 5. c. 25.

(*b*) The following subsections shall be substituted for subsections (3) and (4) of section one:—

> "(3) Any expenses incurred by a town or county council in pursuance of this Act shall be defrayed in like manner as expenses incurred by the council under the Public Health (Scotland) Act, 1897.
>
> 60 & 61 Vict. c. 38.
>
> (4) A town or county council may borrow for the purposes of this Act in accordance with the provisions of section twenty-three of the Local Government (Scotland) Act, 1929."

Short title, citation, construction and extent.

4.—(1) This Act may be cited as the Public Health (Cleansing of Shell-fish) Act, 1932.

(2) The Public Health Acts, 1875 to 1926, and this Act (so far as it relates to England, excluding London) may be cited together as the Public Health Acts, 1875 to 1932, and the Public Health (London) Acts, 1891 to 1926, and this Act (so far as it relates to London) may be cited together as the Public Health (London) Acts, 1891 to 1932.

(3) This Act, in its application to England, excluding London, shall be construed as one with the Public Health Acts, 1875 to 1926, and, in its application to London, shall be construed as one with the Public Health (London) Acts, 1891 to 1926.

(4) This Act shall not extend to Northern Ireland.

CHAPTER 29.

An Act to continue Part I of the Coal Mines Act, 1930, and section one of the Coal Mines Act, 1931. [16th June 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Continuance of Part I. of

1.—(1) Part I of the Coal Mines Act, 1930 (which is limited to expire on the thirty-first day of December, 20 & 21 Geo. 5. c. 34 and of s. 1 of 21 & 22 Geo. 5. c. 27.

nineteen hundred and thirty-two), shall continue in force until the thirty-first day of December, nineteen hundred and thirty-seven, and no longer unless Parliament otherwise determines; and, accordingly, in section ten of that Act, for the words "nineteen hundred and thirty-two" there shall be substituted the words "nineteen hundred and thirty-seven."

(2) Section one of the Coal Mines Act, 1931 (which is limited to expire on the seventh day of July, nineteen hundred and thirty-two), shall continue in force until the coming into operation of an Act to enable effect to be given to the draft international convention limiting the hours of work underground in coal mines adopted by the general conference of the International Labour Organisation of the League of Nations on the eighteenth day of June, nineteen hundred and thirty-one; and, accordingly, in the said section one, for the word "Act," where that word first occurs, there shall be substituted the word "section."

Short title and extent.

2.—(1) This Act may be cited as the Coal Mines Act, 1932, and the Coal Mines Acts, 1887 to 1931, and this Act may be cited together as the Coal Mines Acts, 1887 to 1932.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 30.

An Act to provide for the imposition of customs duties on goods imported directly or indirectly from the Irish Free State with a view to making good any loss incurred by, or any additional charge imposed on, any public fund of the United Kingdom by reason of any failure of the Government of the Irish Free State to implement their obligations, and for purposes connected with the matters aforesaid.

[12th July 1932.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, with a view to making good any loss incurred by, or any additional charge imposed on, any public fund of the United Kingdom by reason of any failure of the Government of the Irish Free State to implement their obligations, have freely and voluntarily resolved to give and grant unto Your Majesty the duties for which provision is hereinafter contained; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of the Treasury to impose duties.

1.—(1) If it appears to the Treasury that any failure of the Government of the Irish Free State to implement their obligations has resulted, or is likely to result, in a direct loss to the revenue of any public fund of the United Kingdom or in an additional charge on any such fund, then, subject to the provisions of this Act, the Treasury, with a view to the making good of the loss or the additional charge, may, after consultation with any Government department which appears to the Treasury to be interested, by Order made for the purposes of this Act, direct that there shall be charged on the importation into the United Kingdom of articles of any class or description imported from the Irish Free State, or exported from the Irish Free State to any other country and thence brought into the United Kingdom, such duties of customs as may be specified in the Order, and any duty so directed to be charged shall, for all purposes, be deemed to be chargeable under this Act:

Provided that nothing in this subsection shall apply to any articles imported or brought as aforesaid which are shown to the satisfaction of the Commissioners of Customs and Excise to have been imported into the Irish Free State in the same condition as that in which they were exported therefrom.

(2) The duties to be charged as aforesaid—

(*a*) may be charged by reference to value or to weight or to any other measure of quantity as may be provided in the Order; and

(*b*) shall not exceed one hundred per cent. of the value of the articles.

(3) Any duty chargeable under this Act on any article shall be chargeable in addition to any other duty of customs for the time being chargeable thereon, whether under the Import Duties Act, 1932, or otherwise, and articles chargeable with duty under this Act shall not for the purpose of the said Act be deemed to be chargeable with a duty of customs by or under an enactment other than the said Act.

22 & 23 Geo. 5. c. 8.

(4) The Commissioners of Customs and Excise may make such regulations as may be necessary for preventing the evasion of duty chargeable under this Act in the case of articles brought into the United Kingdom from a country other than the Irish Free State or otherwise for carrying this Act into effect.

(5) Orders and regulations made under this Act shall be laid before the Commons House of Parliament as soon as may be after they are made.

(6) An Order made under this Act shall cease to have effect on the expiration of twenty-eight days from the date on which it is made, unless at some time before the expiration of that period it has been approved by resolution passed by the Commons House of Parliament, but without prejudice to anything previously done thereunder or to the making of a new order.

(7) Regulations made under this Act shall cease to have effect if the Commons House of Parliament within a period of twenty-eight days from the date on which the regulations are laid before the House resolves that the regulations shall be annulled but without prejudice to anything previously done thereunder or to the making of new regulations.

(8) In reckoning any such period of twenty-eight days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the Commons House is adjourned for more than four days.

(9) An Order made under this Act may be varied or revoked by a subsequent Order made in the like manner and subject to the like provisions.

Value of articles for purposes of Act.

2. Sections fifteen and sixteen of the Import Duties Act, 1932 (which relate respectively to the determination for the purposes of that Act of the value of goods and of disputes as to the value of goods), shall apply for the purpose of the charge of duties under this Act as they apply for the purpose of the charge of duties under that Act.

Short title and construction.

3.—(1) This Act may be cited as the Irish Free State (Special Duties) Act, 1932.

(2) In this Act the expression "the United Kingdom" does not include the Isle of Man.

CHAPTER 31.

An Act to authorise the publication of banns and the solemnization of marriages in naval, military, and air force chapels.

[12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Solemnization of marriages in naval, military, and air force chapels.

1.—(1) The use of any chapel to which this Act applies for the publication therein of banns of marriages to which this Act applies, and for the solemnization therein, whether according to the rites of the Church of England or otherwise, of such marriages, may be authorised under and subject to the provisions of this Act.

(2) This Act shall apply only to chapels which are certified by the Admiralty to be naval chapels and to chapels which are certified by a Secretary of State to be military or air force chapels, and shall apply only to marriages between parties of whom one at least is a qualified person, that is to say, a person who, at the relevant date—

(*a*) is serving in the Royal Navy, the Royal Marines, the Regular Land Forces or the Regular Air Forces; or (*b*) has served in any force mentioned in the last foregoing paragraph otherwise than with a commission granted or under an engagement entered into only for the purpose of a war or other national emergency; or

(*c*) is, as a member of a reserve of officers, a reserve force, the Territorial Army or the Auxiliary Air Force, called out on actual or permanent service, or embodied; or

(*d*) is actually employed as a member of any naval, military or air force nursing service, in the service of any force mentioned in the foregoing paragraphs of this subsection; or

(*e*) is a daughter of a person qualified under any of the foregoing paragraphs of this subsection.

(3) For the purpose of the last foregoing subsection, the expression "the relevant date" means—

4 Geo. 4. c. 76.

(*a*) in a case where notice is given under section seven of the Marriage Act, 1823, before publication of banns, the date of the notice;

(*b*) in a case where banns are published without such notice, the date of the first publication of banns;

(*c*) in a case where an oath is taken under section fourteen of the Marriage Act, 1823, for the purpose of obtaining a licence for marriage, the date of taking the oath;

6 & 7 Will. 4. c. 85.

(*d*) in any other case, the date when notice is given to the registrar under section four of the Marriage Act, 1836;

15 & 16 Geo. 5. c. 29.

and the expression "daughter" includes a daughter adopted under the Adoption of Children Act, 1926, but does not include a step-daughter.

(4) Nothing in this Act shall be taken to confer upon any person a right to be married in a chapel to which this Act applies.

Marriages according to rites of Church of England.

2.—(1) As respects marriages according to the rites of the Church of England, the bishop of the diocese in which any chapel to which this Act applies is situated may, on the application of the Admiralty, in the case of a naval chapel, or a Secretary of State, in the case of any other chapel, by licence authorise the publication of banns of marriages to which this Act applies, and the solemnization of such marriages, in the chapel, and while any such licence in respect of the chapel is in force—

(*a*) any such banns or marriages which could lawfully be published or solemnized in the parish church of the parish in which the chapel is situated may be published or solemnized in the chapel ; and

(*b*) the enactments relating to marriages according to the rites of the Church of England (excluding the enactments set out in Part I. of the First Schedule to this Act) shall apply in relation to the chapel, and in relation to the publication of banns therein, and in relation to marriages solemnized or intended to be solemnized therein according to those rites, as if the chapel were a parish church :

Provided that the enactments set out in the first column of Part II. of that Schedule shall apply subject to the modifications set out in the second column of that Part of that Schedule.

(2) Where a licence has been issued in respect of a chapel under this section, the bishop of the diocese in which the chapel is situate may at any time, and shall on the application of the Admiralty or a Secretary of State, revoke the licence.

(3) Upon the issue or revocation of a licence under this section, the registrar of the diocese shall register the fact and give notice thereof in writing to the Admiralty or a Secretary of State, as the case may be, who shall cause a copy of the notice to be published in the London Gazette and in some newspaper circulating in the diocese and to be sent to the Registrar-General.

(4) The Admiralty or any person authorised by them (as respects a naval chapel licensed under this section) and a Secretary of State or any person authorised by him (as respects any other chapel so licensed) shall appoint one or more clergymen of the Church of England for the purpose of registering marriages solemnized in the chapel according to the rites of the

Church of England, and no marriage shall be solemnized in the chapel according to those rites except in the presence of a person so appointed, and the provisions of the Marriage Act, 1898, and of the rules made thereunder, so far as those provisions relate to the registration of marriages and subject to the modification set out in Part II of the Second Schedule to this Act, shall apply with respect to marriages solemnized as aforesaid in the chapel as they apply with respect to marriages solemnized under that Act in a registered building, and as if persons appointed under this subsection were authorised persons within the meaning of that Act.

61 & 62 Vict. c. 58.

Marriages otherwise than according to rites of Church of England.

3.—(1) As respects marriages otherwise than according to the rites of the Church of England, the Registrar-General shall, on the application of the Admiralty, in the case of a naval chapel, or a Secretary of State, in the case of any other chapel, register any chapel to which this Act applies for the solemnization therein of marriages to which this Act applies, and while any chapel is so registered—

(*a*) any such marriages which could lawfully be solemnized in a building registered for the solemnization of marriages under the Marriage Act, 1836, being a building situated in the same registration district as the chapel, may be solemnized in the chapel; and

(*b*) the enactments relating to marriages otherwise than according to the rites of the Church of England and to the registration of such marriages (excluding the enactments set out in Part I of the Second Schedule to this Act) shall apply in relation to the chapel, and in relation to marriages solemnized or intended to be solemnized therein otherwise than according to those rites, as if the chapel were a building so registered:

Provided that the enactments set out in the first column of Part II of that Schedule shall apply subject to the modifications set out in the second column of that Part of that Schedule.

(2) The Registrar-General shall, on the application of the Admiralty or a Secretary of State, as the case

may be, cancel the registration of any chapel registered by him under this section.

(3) Immediately after registering, or cancelling the registration of, any chapel under this section, the Registrar-General shall cause notice of the fact to be published in the London Gazette and in some newspaper circulating in the registration district in which the chapel is situated and to be given to the superintendent registrar of that district, who shall record the registration or cancellation in such manner as may be prescribed by the Registrar-General.

Evidence of marriages under Act.

4. After the solemnization of any marriage under the authority of this Act, it shall not be necessary, in support of the marriage, to give any proof of the fact—

(*a*) that the chapel in which the marriage was solemnized was certified or licensed or registered in accordance with this Act; or

(*b*) that either of the parties was a qualified person within the meaning of this Act; or

(*c*) in the case of a marriage according to the rites of the Church of England, that the marriage was solemnized in the presence of a clergyman duly appointed under this Act for the purpose of registering marriages;

and no evidence shall be given to prove the contrary in any legal proceedings touching the validity of any such marriage.

Short title, construction, citation and extent.

5.—(1) This Act may be cited as the Marriage (Naval, Military, and Air Force Chapels) Act, 1932, and shall be construed as one with the Marriage Acts, 1811 to 1929, and those Acts and this Act may be cited together as the Marriage Acts, 1811 to 1932.

(2) This Act shall not apply to any chapel in Scotland or Northern Ireland.

SCHEDULES.

Section 2.

FIRST SCHEDULE.

Exclusion and Modification of Enactments relating to Marriages according to the Rites of the Church of England.

Part I.

Enactments excluded.

Section thirteen of the Marriage Act, 1823 (4 Geo. 4. c. 76).

The Marriage Act, 1824 (5 Geo. 4. c. 32).

Sections twenty-six to thirty-three of the Marriage Act, 1836 (6 & 7 Will. 4. c. 85).

Sections thirty, thirty-one and thirty-three of the Births and Deaths Registration Act, 1836 (6 & 7 Will. 4. c. 86).

Sections twenty-seven, thirty-three and thirty-four of the Births and Deaths Registration Act, 1837 (7 Will. 4 & 1 Vict. c. 22).

Section eleven of the Marriage and Registration Act, 1856 (19 & 20 Vict. c. 119).

The Marriage Measure, 1930.

Part II.

Enactments modified.

Enactment.	Modification
The Marriage Act, 1823 (4 Geo. 4. c. 76).	Section two shall apply as if the chapel were the parish church of the parish in which the chapel is situated. Section six shall apply as if for the reference to the churchwardens or chapelwardens there were substituted, in relation to a naval chapel, a reference to the Admiralty, and, in relation to any other chapel, a reference to a Secretary of State.

1st Sch.—*cont.*

Enactment.	Modification.
The Marriage Act, 1823 (4 Geo. 4. c. 76).	Section seven shall apply as if it required the notice in writing mentioned therein to include a statement that one at least of the persons to be married is a qualified person within the meaning of this Act, and to specify the person so qualified and the nature of his qualification. Section ten shall apply as if the chapel were the parish church of the parish in which the chapel is situated. Section fourteen shall apply as if it required the oath, which is to be taken thereunder, to include a statement that one at least of the persons to be married is a qualified person within the meaning of this Act and to specify the person so qualified and the nature of his qualification.
The Marriage Act, 1836 (6 & 7 Will. 4. c. 85).	Section one shall apply as if the words " in force before the passing of this Act " were omitted therefrom. Section sixteen shall apply as if for the reference to the officiating Minister there were substituted a reference to the clergyman, appointed under this Act for the purpose of registering marriages, in whose presence the marriage is solemnized. Section thirty-four shall apply as if the chapel were a chapel belonging to the Church of England and as if that section required the list which is to be sent thereunder by the registrar of the diocese to the Registrar-General to distinguish the chapels which are licensed by the bishop under this Act.
The Births and Deaths Registration Act, 1836 (6 & 7 Will. 4. c. 86).	Section forty-two shall apply as if the words " solemnized by him or " were omitted therefrom.

1ST SCH. —*cont.*

Enactment.	Modification.
The Marriage and Registration Act, 1856 (19 & 20 Vict. c. 119).	Section three shall apply as if there were inserted after the words "the last-mentioned Act" the words "and "in every case where the marriage "is intended to be had and solemnized under the provisions of the "Marriage (Naval, Military, and Air "Force Chapels) Act, 1932, such "notice shall, in addition to the "said particulars, contain a declaration that one at least of the parties "to such intended marriage is a "qualified person within the meaning of the last-mentioned Act, and "specify the party so qualified and "the nature of his qualification."

Sections 2 and 3.

SECOND SCHEDULE.

EXCLUSION AND MODIFICATION OF ENACTMENTS RELATING TO MARRIAGES OTHERWISE THAN ACCORDING TO THE RITES OF THE CHURCH OF ENGLAND.

PART I.

ENACTMENTS EXCLUDED.

Sections eighteen and nineteen of the Marriage Act, 1836.
Section eleven of the Marriage and Registration Act, 1856.

PART II.

ENACTMENTS MODIFIED.

Enactment.	Modification.
The Marriage Act, 1836 (6 & 7 Will. 4. c. 85).	The second proviso to section eleven shall apply as if the words from "in any church or chapel" to the words "license for marriage" (where they secondly occur) were omitted.

2ND SCH.—*cont.*

Enactment.	Modification.
The Marriage and Registration Act, 1856 (19 & 20 Vict. c. 119).	Section three shall apply as if there were inserted after the words "the last-mentioned Act" the words "and in every case where the marriage is intended to be had and solemnized under the provisions of the Marriage (Naval, Military, and Air Force Chapels) Act, 1932, such notice shall, in addition to the said particulars, contain a declaration that one at least of the parties to such intended marriage is a qualified person within the meaning of the last-mentioned Act, and specify the party so qualified and the nature of his qualification."
The Marriage Act, 1898 (61 & 62 Vict. c. 58).	For references to the trustees or governing body of a building, there shall be substituted references to the Admiralty or any person authorised by them, in the case of a naval chapel, and references to a Secretary of State, or any person authorised by him, in the case of any other chapel.

CHAPTER 32.

An Act to amend the Patents and Designs Acts, 1907 to 1928. [12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. For section four of the Patents and Designs Act, 1907 (hereinafter referred to as "the principal Act"), the following section shall be substituted:— Provisional protection. 7 Edw. 7. c. 29.

"4. An invention may, during the period between the date of an application for a patent therefor and the date of sealing a patent on that application, be used and published without prejudice to that patent, and such protection from the consequences of use and publication is in this Act referred to as provisional protection.

In this section the expression 'date of an application for a patent' means, as respects an application which is post-dated or ante-dated under this Act, the date to which the application is so post-dated or ante-dated, and means, as respects any other application, the date on which it is actually made."

Amendments of s. 7 of principal Act and provision as to anticipation in documents other than British specifications.

2.—(1) In the proviso to subsection (4) of section seven of the principal Act there shall be inserted after the word "claimed" where that word occurs for the second time the words "or wholly and specifically described,"; and after that subsection the following subsection shall be inserted:—

"(5) If it is within the knowledge of the comptroller that the invention claimed has been made available to the public by publication in the United Kingdom, before the date which the patent applied for would bear if granted, in any document (other than a United Kingdom specification or a specification describing the invention for the purposes of an application for protection made in any country outside the United Kingdom more than fifty years next before that date, or any abridgment of, or extract from, any such specification published under the authority of the comptroller or of the Government of any country outside the United Kingdom), the provisions of subsections (2), (3) and (4) of this section shall apply in relation to a claim or description of the invention in that document in like manner as those provisions apply in relation to a description thereof in a prior specification to which the investigation has extended."

(2) In subsection (5) of the said section, for the words "law officer" there shall be substituted the words "Appeal Tribunal."

3. In section twenty-five of the principal Act the following subsections shall be substituted for subsection (2) :— Grounds for revocation of patent.

" (2) A patent may be revoked upon any of the following grounds,—

(*a*) that the invention was the subject of a valid prior grant;

(*b*) that the true and first inventor was not the applicant or one of the applicants for the patent;

(*c*) that the patent was obtained in fraud of rights of the person applying for the order or of any person under or through whom he claims;

(*d*) that the invention is not a manner of new manufacture the subject of letters patent and grant of privilege within section six of the Statute of Monopolies; 21 Jas. 1. c. 3.

(*e*) subject as in this subsection provided, that the invention is not new;

(*f*) that the invention is obvious and does not involve any inventive step having regard to what was known or used prior to the date of the patent;

(*g*) that the invention is not useful;

(*h*) that the complete specification does not sufficiently and fairly describe and ascertain the nature of the invention and the manner in which the invention is to be performed;

(*i*) that the complete specification does not sufficiently and clearly ascertain the scope of the monopoly claimed;

(*j*) that the complete specification does not disclose the best method of performance of the invention known to the applicant for the patent at the time when the specification was left at the Patent Office;

(*k*) that the patent was obtained on a false suggestion or representation;

(*l*) that the invention claimed in the complete specification is not the same as that contained in the provisional specification, and that the invention claimed, so far as it is not contained in the provisional specification was not new at the date when the complete specification was filed, or the true and first inventor was not the applicant, or one of the applicants, for the patent, or, in the case of an application made under section ninety-one of this Act, that the invention claimed in the complete specification is not the same as that for which protection has been applied for in the foreign state, or part of His Majesty's dominions outside the United Kingdom;

(*m*) that the primary or intended use or exercise of the invention is contrary to law;

(*n*) that the patentee has contravened or has not complied with the conditions contained in the patent;

(*o*) that prior to the date of the patent the invention was secretly worked on a commercial scale and not merely by way of reasonable trial or experiment in the United Kingdom by the patentee or others, not being a Government department or the agents or contractors of, or other person authorised in that behalf by, a Government department;

(*p*) that in the case of inventions relating to substances prepared or produced by chemical processes or intended for food or medicine the specification includes claims which under section thirty-eight A of this Act cannot lawfully be made; or

upon any other ground upon which a patent might, immediately before the first day of January one thousand eight hundred and eighty-four, have been repealed by scire facias:

Provided that this subsection shall have effect, as respects the ground of revocation specified in paragraph (*e*) thereof, subject to the provisions of subsection (1) of section fifteen, subsection (12) of section thirty, section forty-one and section forty-five of this Act.

(3) Every ground on which a patent may be revoked shall be available as a ground of defence in an action for infringement of a patent."

Provisions as to unfair exercise of process patent.

4. In section twenty-seven of the principal Act there shall be inserted:

(*a*) In subsection (2), after paragraph (*e*), the following paragraph:—

"(*f*) If it is shown that the existence of the patent, being a patent for an invention relating to a process involving the use of materials not protected by the patent or for an invention relating to a substance produced by such a process, has been utilised by the patentee so as unfairly to prejudice in the United Kingdom the manufacture, use or sale of any such materials;"

and

(*b*) In subsection (3), after paragraph (*c*), the following paragraph:

"(*d*) If the comptroller is satisfied that the monopoly rights have been abused in the circumstances specified in paragraph (*f*) of the last foregoing subsection, he may order the grant of licences to the applicant and to such of his customers and containing such terms as the comptroller may think expedient."

Power of court in infringement action as regards relief in respect of particular claims in patents.

5.—(1) In section thirty-two of the principal Act the words "if entitled to present a petition to the court for the revocation of the patent" and the word "such" shall be omitted.

(2) For section thirty-two A of the principal Act, the following section shall be substituted:—

"32A. Where the court in any action for infringement of a patent finds that any claim in the specification, in respect of which infringement is alleged, is valid, but that any other claim therein is invalid, then, notwithstanding anything in section twenty-three of this Act—

(*a*) if the patentee furnishes proof to the satisfaction of the court that the invalid claim was framed in good faith and with reasonable skill and knowledge, or if the patent is dated before the commencement of the Patents and Designs Act, 1932, the court shall, subject to its discretion as to costs and as to the date from which damages should be reckoned, and to such terms as to amendment of the specification as it may deem desirable, grant relief in respect of any valid claim which is infringed without regard to the invalidity of any other claim in the specification and in exercising such discretion the court may take into consideration the conduct of the parties in inserting the invalid claim in the specification or permitting that claim to remain there;

22 & 23 Geo. 5. c. 32.

(*b*) if the patentee does not furnish proof as aforesaid, and the patent is dated after the commencement of the Patents and Designs Act, 1932, the court shall not grant any relief by way of damages or costs, but may grant such other relief in respect of any valid claim which is infringed as to the court seems just, and may impose such terms as to amendment of the specification as a condition of granting any such relief as it may deem desirable;

(*c*) if a counter-claim for revocation of the patent has been made in the action on the ground of the invalidity of any claim in the specification, the court may postpone the operation of any order made thereon during such time as may be requisite for enabling the patentee to effect any amendment of the specification pursuant to terms imposed upon him and may attach any such other condition to any order to be made on the counter-claim as the court may deem desirable."

Remedy in case of groundless threats of legal proceedings.

6. For section thirty-six of the principal Act there shall be substituted the following section:—

"36.—(1) Where any person, by circulars, advertisements or otherwise, threatens any person with an action for infringement of patent or other like proceedings, then, whether the person making the threats is or is not entitled to or interested in a patent or an application for a patent, any person aggrieved thereby may bring an action against him, and may obtain a declaration to the effect that such threats are unjustifiable and an injunction against the continuance of such threats and may recover such damage, if any, as he has sustained thereby, unless the person making the threats proves that the acts in respect of which the proceedings are threatened constitute or, if done, would constitute an infringement of a patent in respect of a claim in the specification which is not shown by the plaintiff to be invalid or an infringement of rights arising from the acceptance of a complete specification in respect of a claim therein which is not shown by the plaintiff to be capable of being successfully opposed.

(2) The defendant in any such action as aforesaid may apply, by way of a counter-claim in the action, for any relief to which he would be entitled in a separate action in respect of any infringement by the plaintiff of the patent to which the threats relate."

Power to give direction as to development of patents jointly owned.

7. In section thirty-seven of the principal Act for the words "without their consent" there shall be substituted the words "otherwise than with their consent "or in accordance with directions given under this "section"; and at the end of the section the following subsections shall be inserted:—

"(2) The comptroller may, upon application for relief under this subsection being made to him in the prescribed manner by any one or more of joint patentees, and after giving to the other joint patentees an opportunity of being heard, give such directions in accordance with the application as to the sale or lease of the patent for the invention, or as to the grant of licences in respect thereof, or otherwise as to the use and development of the rights thereunder as appear to him to be just and expedient, and it shall be the duty of all the joint patentees to give effect to any directions so given.

(3) If any person who is under obligation to give effect to any such directions as aforesaid fails to execute any instrument or to do any act or thing requisite for giving effect thereto within fourteen days after being requested in writing so to do by any of the joint patentees, the comptroller may, by direction given under the last foregoing subsection, empower any person to execute that instrument or to do that act or thing in the name and on behalf of the person in default.

(4) Nothing in this section shall be taken to authorise the use of an invention or the giving of any directions in such manner as to prejudice or affect the mutual rights or obligations of trustees or the personal representatives of a deceased person, or any rights or obligations arising out of those relationships.

(5) An order of the comptroller giving any directions or refusing an application made under this section shall be subject to appeal to the court."

Subject matter of patents for chemical products and substances intended for food or medicine.

8. In subsection (1) of section thirty-eight A of the principal Act, the word "special" shall be omitted; after the word "manufacture" there shall be inserted the word "particularly"; for the word "claimed" there shall be substituted the word "ascertained"; after the word "equivalents" there shall be inserted the words "Provided that in relation to a substance intended "for food or medicine a mere admixture resulting only in "the aggregation of the known properties of the ingredients "of that substance shall not be deemed to be a method "or process of manufacture"; the words "Provided that" shall be omitted; and the following words to the end of the subsection shall be read as a separate subsection.

Amendment of s. 50 of principal Act.

9. At the end of section fifty of the principal Act the following subsection shall be inserted:—

> "(2) Where the proprietor of a registered design applies for the registration in the same class of goods of a design consisting of the registered design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, the application shall not be refused, nor shall the registration of that other design be invalidated—
>
> (*a*) on the ground that it is not a new or original design, by reason only of the registration of the registered design; or
>
> (*b*) on the ground that it has been previously published in the United Kingdom, by reason only that the registered design has been applied to the goods in respect of which it is registered:
>
> Provided that the period of copyright conferred by the registration of that other design shall not extend beyond the expiration of the original and any extended period of copyright in the registered design."

Period of secrecy as regards designs.

10. In subsection (1) of section fifty-six of the principal Act the words " not being less than two years from the registration of the design " shall be omitted.

Amendments of s. 75 of principal Act as to frivolous applications and applications for patents for illegal inventions.

11. In section seventy-five of the principal Act, for the words "The comptroller may refuse" there shall be substituted the words "If any application " is made to the comptroller to grant a patent for " an invention which is so obviously contrary to " well-established natural laws that the application " is frivolous or"; after the word "morality" there shall be inserted the words "the comptroller " may refuse the application, or may, in the case of " an invention any particular use of which would, " in his opinion, be contrary to law, require as a " condition of granting a patent the insertion in the " specification of such disclaimer as respects that " particular use of the invention or any such other " reference to the illegality thereof as he thinks fit"; and for the words "law officer" there shall be substituted the words "Appeal Tribunal."

Tribunal for appeals from the comptroller.

12. The following section shall be inserted after section ninety-two of the principal Act:—

"92A.—(1) For the purpose of hearing appeals from decisions of the comptroller, which, by virtue of this Act, are subject to an appeal to the Appeal Tribunal, there shall be constituted a tribunal (in this Act referred to as the "Appeal Tribunal") to consist of a judge of the High Court to be nominated by the Lord Chancellor.

(2) The expenses of the Appeal Tribunal shall be defrayed and the fees to be taken therein may be fixed as if the Tribunal were a court of the High Court, but subject as aforesaid appeals to the Tribunal shall not be deemed to be proceedings in the High Court.

(3) The Appeal Tribunal may—

(*a*) examine witnesses on oath and administer oaths for that purpose;

(*b*) make rules regulating appeals to the Tribunal and the practice and proceedings before the Tribunal under this Act; and

(*c*) in any proceedings under this Act by order award to any party such costs as the Tribunal consider reasonable and direct how and by what parties they are to be paid and any such order may be made a rule of court;

so however that, as respects rights of audience and the awarding of costs, the like practice shall be observed as, before the commencement of the Patents and Designs Act, 1932, was observed in the hearing of appeals by the law officer.

(4) The Appeal Tribunal may, if it thinks fit, obtain the assistance of an expert, who shall be paid such remuneration as the Tribunal, with the consent of the Treasury, may determine."

Minor amendments of principal Act.

13. The amendments specified in the second column of the Schedule to this Act, which relate to minor details, shall be made in the provisions of the principal Act specified in the first column of that Schedule.

14.—(1) This Act shall, except where otherwise expressly provided, apply to patents granted and applications for and specifications relating to patents made and deposited, and designs registered and applications for registration of designs made, before as well as after the passing of this Act.

Construction and printing.

(2) Where by this Act any enactments or words are directed to be added to or omitted from the principal Act or to be substituted for any other enactments or words in the principal Act, copies of the principal Act printed under the authority of His Majesty's Stationery Office after such direction takes effect may be printed with the enactments or words added or omitted or substituted for other enactments or words, as such direction requires, with the sections, subsections and paragraphs thereof numbered in accordance with any such directions and with any consequential renumbering of the subsections and paragraphs; and the principal Act shall be construed as if it had, at the time at which such direction takes effect, been made with such addition, omission or substitution.

(3) References in this Act to the principal Act shall, unless the context otherwise requires, be construed as references to the principal Act as amended by the Patents and Designs Act, 1914, the Patents and Designs Act, 1919, and the Patents and Designs (Convention) Act, 1928, and references in any other Act or instrument to the principal Act shall, unless the context otherwise requires, be construed as references to the principal Act as amended by those Acts and this Act.

4 & 5 Geo. 5. c. 18.
9 & 10 Geo. 5. c. 80.
18 & 19 Geo. 5. c. 3.

15.—(1) This Act may be cited as the Patents and Designs Act, 1932, and the Patents and Designs Acts, 1907 to 1928, and this Act may be cited together as the Patents and Designs Acts, 1907 to 1932.

Short title and commencement.

(2) This Act shall come into operation on the first day of November, nineteen hundred and thirty-two.

Section 13.

SCHEDULE.

Minor Amendments of Principal Act.

Section Amended.	Nature of Amendment.
Section 2.	In subsection (5) for the words from the second “invention,” to the end of the section there shall be substituted the words “then, subject to the prescribed rules, typical samples and specimens shall, if in any particular case the comptroller considers it desirable so to require, be furnished before the acceptance of the complete specification, and the applicant shall be at liberty, where he so desires, and subject to the prescribed rules, so to furnish any typical samples and specimens, unless the comptroller in any particular case considers that it is undesirable that any should be received.”
Section 3.	In subsection (1) the words “Comptroller-General of Patents, Designs and Trade Marks, hereinafter referred to as the” shall be omitted. In subsection (2) after the word “described” there shall be inserted the words “or as respects a complete specification that the nature of the invention or the manner in which it is to be performed is not therein particularly described and ascertained,”; for the words “bear date as from the time when” there shall be substituted the words “be deemed to have been made on the date on which”. After subsection (2) there shall be inserted the following subsections:— “(3) The comptroller may, where the application was accompanied by a specification purporting to be a complete specification, if the applicant so requests, treat the specification as a provisional specification and proceed with the application accordingly. “(4) The comptroller may, where the applicant before acceptance of the complete specification so requests and upon payment by the applicant of the prescribed fee, direct that the application shall be deemed to have been made

Section Amended.	Nature of Amendment.
	on such date within a period of six months running from the date when the application was actually made, as the applicant may request." In subsection (3) for the words from the beginning of the subsection to the words "law officer" there shall be substituted the words "The applicant may appeal from any decision of the comptroller under this section to the Appeal Tribunal,".
Section 5.	In subsection (1) for the word "nine" there shall be substituted the word "twelve".
Section 6.	In subsection (2) for the words "the complete specification has" there shall be substituted the words "the nature of the invention or the manner in which it is to be performed is not particularly described and ascertained in the complete specification or that the complete specification or drawings have". In subsection (3) there shall be substituted for paragraph (*b*) the following paragraph— "(*b*) (with the consent of the applicant) cancel the provisional specification and direct that the application shall be deemed to have been made on the date at which the complete specification was left and proceed with the application accordingly;". In the proviso to subsection (3) there shall be substituted for the words "treated as an application for that invention," the words "direct that that application shall be deemed to have been". In subsection (4) for the words "law officer" there shall be substituted the words "Appeal Tribunal." Subsection (5) shall be omitted.
Section 7.	In subsection (1), after the word "Kingdom," there shall be inserted the words "and dated". In subsection (2), after the word "invention," there shall be inserted the word "claimed".
Section 8.	In subsection (1) after the word "application" there shall be inserted the words "made in the United Kingdom"; and there shall be substituted for the words "be of" the word "bear".

Section Amended.	Nature of Amendment.
	In subsection (4) there shall be substituted for the words "law officer" the words "Appeal Tribunal." After section eight of the principal Act the following section shall be inserted :— "8A. Unless a complete specification is accepted within eighteen months from the date of an application the application shall become void unless— (*a*) an appeal under any of the foregoing provisions of this Act has been lodged in respect of the application; or (*b*) in the case of an application for a patent of addition an appeal under any of the foregoing provisions of this Act has been lodged in respect either of that application or of the application for the original patent; or (*c*) the time within which such an appeal as aforesaid may be lodged has not expired : Provided that where an application is made for an extension of time for the acceptance of a complete specification, the comptroller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for, but not exceeding three months."
Section 9.	After the word "drawings" there shall be inserted the words "samples and specimens".
Section 10.	For the words "until a patent for the invention has been granted to him" there shall be substituted the words "until the patent has been sealed."
Section 11.	In subsection (1), after the word "specification" where that word first occurs, there shall be inserted the words "or within such further period, not "exceeding one month, as the comptroller may "on an application made to him within the "said period of two months and subject to "payment of the prescribed fee, allow"; in paragraph (*a*) after the word "invention" there shall be inserted the words "or any part thereof"; in paragraph (*b*), after the word

Section Amended.	Nature of Amendment.
	"Kingdom" where that word first occurs there shall be inserted the words "and dated"; there shall be substituted for the word "British" the words "United Kingdom"; and after the word "specification" where that word occurs for the last time, there shall be inserted the words, "or a "specification describing the invention for the "purpose of an application for protection made "in any country outside the United Kingdom "more than fifty years next before such "date, or any abridgment of, or extract from "any such specification published under the "authority of the comptroller or of the Govern-"ment of any country outside the United "Kingdom"; in paragraph (*bb*) there shall be substituted for the word "British" the words "United Kingdom"; in paragraph (*c*) for the words "sufficiently or" there shall be substituted the words "sufficiently and"; in paragraph (*d*) after the word "invention" where that word occurs for the second time, there shall be inserted the word "either"; there shall be substituted for the words "leaving of the provisional specification" the words "date of the application"; and after the word "specification" where that word occurs for the last time, there shall be inserted the words "or has been made available to the public by "publication in any document published in the "United Kingdom in that interval"; in paragraph (*e*), for the words "British possession" where those words first occur, there shall be substituted the words "any part of His Majesty's dominions outside the United Kingdom"; after the word "invention" where that word occurs for the second time, there shall be inserted the word "either"; for the words "British possession and the leaving" there shall be substituted the words "part of His Majesty's dominions outside the United Kingdom and the date"; and after the word "Kingdom" there shall be inserted the words "or has been made available to the public "by publication in any document published in the "United Kingdom in that interval."
	In subsection (2) the words "on the expiration of those two months" shall be omitted.

Section Amended. Nature of Amendment.

For subsection (3) the following subsection shall be substituted—

"(3) The decision of the comptroller shall be subject to appeal to the Appeal Tribunal who shall, if required, hear the applicant and the opponent, if the opponent is, in the opinion of the Tribunal, a person entitled to be heard in opposition to the grant of the patent and shall decide the case."

Section 12. In subsection (1) there shall be substituted for the proviso the following words:—

"Provided that—

(*a*) where an applicant under a joint application has died, the patent may, with the consent of his personal representative, be granted to the survivors or survivor of the joint applicants;

(*b*) where an applicant has agreed in writing to assign the patent when granted or, in the case of a joint application, his interest in the patent when granted, the patent may, upon proof of the agreement to the satisfaction of the comptroller, be granted to the assignee or, in the case of an assignment by a joint applicant of his interest to an assignee not being the other joint applicant, to the assignee jointly with the other applicant or his assignee".

After subsection (1) there shall be inserted the following subsections—

"(2) Where disputes arise between joint applicants or their assigns as to proceeding with an application, the comptroller, if satisfied that one or more of such persons ought to be allowed to proceed alone, may allow him or them to proceed with the application and may grant a patent to him or them, so, however, that all parties interested shall be entitled to be heard before the comptroller.

(3) An appeal shall lie from the decision of the comptroller under this section to the Appeal Tribunal".

In subsection (2) there shall be substituted for the word "eighteen" in both places where that word

Section Amended.	Nature of Amendment.
	occurs, the word “ twenty-one ” ; for paragraph (*b*) there shall be substituted the following paragraph :— “ (*b*) where the sealing of a patent is delayed by an appeal to the Appeal Tribunal or by any proceedings taken for obtaining the decision of the comptroller under the provisions of subsection (2) of this section, or by opposition to the grant of the patent, that patent and any patent of addition the sealing whereof is delayed in consequence of the delay in the sealing of that patent may be sealed at such time as in the first-mentioned case the Tribunal, or in either of the two last-mentioned cases the comptroller, may direct ” In paragraph (*c*) after the word “ death ” there shall be inserted the words “ or at such later time as the comptroller may think fit ” ; and after paragraph (*c*) the following paragraph shall be inserted :— “ (*d*) where it is proved to the satisfaction of the comptroller that hardship would arise in connection with the prosecution by an applicant of an application for a patent in any country outside the United Kingdom unless the maximum period which would otherwise be allowed for sealing the patent is extended, that period may be extended subject to payment of the prescribed fee to such an extent as appears to the comptroller to be necessary in order to prevent that hardship arising.” In paragraph (*d*) the words “ and this provision ” and the subsequent words to the end of the section shall be omitted.
Section 13.	The words “ and sealed ” shall be omitted.
Section 15.	In subsection (1) there shall be substituted for the word “ to ” where that word first occurs, the words “ on the application of ”. In subsection (2) the proviso shall be omitted ; and at the end of that subsection there shall be inserted the following subsections :— “ (3) Where in proceedings before the comptroller under this Act for opposition to the grant of a patent or for revocation of a patent,

Section Amended.	Nature of Amendment.
	the comptroller has found that an invention was in part obtained from the opponent or the applicant for revocation and has required that the specification be amended by exclusion of that part of the invention, he may, on the application of the true inventor made in accordance with the provisions of this Act, grant to him a patent for that excluded part of the invention bearing the date of the opposed application or the date of the patent sought to be revoked as the case may be. "(4) No action shall be brought for any infringement of a patent granted under the provisions of either of the last two foregoing subsections committed before the date of sealing the patent."
Section 16.	In subsection (2) for the word "therein" there shall be substituted the words "in the complete specification."
Section 18.	For the proviso to subsection (1) there shall be substituted the following proviso :— "Provided that the court may allow such a petition to be presented at such time, not being later than the time limited for the expiration of the patent, as the court may in its discretion think fit."
Section 19.	In subsection (2) for the words "a patent (hereinafter referred to as a patent of addition)" there shall be substituted the words "a patent of addition". After subsection (2) there shall be inserted the following subsection :— "(3) Where an invention, being an improvement in or modification of an original invention, is the subject of an independent patent and the patentee in respect of the independent patent, being also the patentee in respect of the patent for the original invention, so requests, the comptroller may make an order for the revocation of the independent patent and a patent of addition may be granted in respect of the improvement or modification bearing the same date as the date of the independent patent so revoked." In subsection (3), for the words "so long as the "patent for the original invention remains in

Section Amended. Nature of Amendment.

"force and no longer" there shall be substituted the words "during the term limited in the "patent for the original invention or until the "previous cesser thereof and no longer, but may "be extended under the last foregoing section "for any period for which the patent for the "original invention is extended thereunder,".

Section 20. For subsection (5) the following subsections shall be substituted:—

"(5) After the expiration of the prescribed period the comptroller shall hear the case and issue an order either restoring the patent or dismissing the application:

"Provided that the comptroller may, if he thinks fit, as a condition of issuing an order under this section restoring a patent require that an entry shall be made in the register of patents in respect of any document or instrument in respect of which the provisions of this Act as to entries in the register have not been complied with.

"(6) In every order under this section restoring a patent such provision as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject matter of the patent after the patent had been announced as void in the Official Journal (Patents)."

Section 21. In subsection (1), for the words "an applicant or a patentee may at any time" there shall be substituted the words "an applicant at any time after acceptance of his complete specification or a patentee at any time may".

For subsection (5) there shall be substituted the following subsection:—

"(5) The decision of the comptroller in either case shall be subject to an appeal, where the person making the request to amend is a patentee, to the court, and, where the person making the request to amend is an applicant for a patent, to the Appeal Tribunal and the court or the Tribunal, as the case may be, shall, if required, hear the person making the request to amend, and, where notice of opposition

Section Amended.	Nature of Amendment.
	has been given the person giving that notice, if he is in the opinion of the court or of the Tribunal, as the case may be, entitled to be heard in opposition to the request, and, where there is no opposition the comptroller, and may make an order determining whether and subject to what conditions (if any) the amendment ought to be allowed."
Section 24.	In subsection (2) the word "Illustrated" shall be omitted. In subsection (3) the words from "Any order" to the end of the subsection shall be omitted. After subsection (3) there shall be inserted the following subsection :— "(4) Where a patent of addition is in force any request made under this section for an indorsement either of the original patent or of the patent of addition shall be treated as a request for the indorsement of both patents, and if refused as respects the one shall be refused as respects the other also, and where a patent of addition is granted in respect of a patent which is indorsed under this section the patent of addition shall also be so indorsed." In subsection (4) the word "Illustrated" shall be omitted. In subsection (5), the words from the beginning of the subsection to the word "licence" and the words "after due notice" shall be omitted; at the end of the subsection the following proviso shall be inserted :— "Provided that before acting on any application for the cancellation of an indorsement, "the comptroller shall advertise the application in the prescribed manner and shall "satisfy himself that there is no existing "licence or that all existing licensees consent "to the application." At the end of the section there shall be inserted the following subsections :— "(7) Any person may within the prescribed time and in the prescribed manner, give notice at the Patent Office of opposition to

Section Amended.	Nature of Amendment.
	an application for the cancellation of an indorsement, and where any such notice is given the comptroller shall, after giving notice of the opposition to the applicant and after giving to the applicant and to the opponent an opportunity of being heard, decide on the case. (8) Any decision of the comptroller under this section shall be subject to an appeal to the court."
Section 26.	In subsection (1), for the words " two years from the date of the patent " there shall be substituted the words " twelve months from the date of sealing the patent ".
Section 27.	In subsection (1) for the words " the grant of the patent " there shall be substituted the words " sealing a patent ". In the proviso to paragraph (*a*) of subsection (2) for the word " grant " there shall be substituted the word " sealing "; and for the word " adjourn " there shall be substituted the words " make an order adjourning ". In the proviso to paragraph (*d*) of subsection (3) for the words " British possession " there shall be substituted the words " part of His Majesty's dominions outside the United Kingdom ". In subsection (8) the word " Illustrated " shall be omitted. In subsection (11) for the words " law officer " there shall be substituted the words " Attorney-General ".
Section 27A.	After the word " patentee " there shall be inserted the words " or proprietor of a registered design as the case may be "; and the section as so amended shall be re-numbered 83A and shall be inserted in the principal Act after section 83 instead of in its present position.
Section 30.	In subsection (1) after the word " War " there shall be inserted the words " or Secretary of State for Air ". In subsection (5) the words " or of the law officer " shall be omitted.

Section Amended.	Nature of Amendment.
Section 33.	The words " year and " shall be omitted.
Section 40.	Shall be omitted.
Section 41.	For section forty-one, the following section shall be substituted : " 41.—(1) An invention covered by a patent shall not be deemed to have been anticipated by reason only of its being made available to the public by publication in the United Kingdom :— (*a*) in a specification left pursuant to an application made in the United Kingdom and dated not less than fifty years before the date of the patent, or (*b*) in a specification describing the invention for the purpose of an application for protection in any country outside the United Kingdom made not less than 50 years before that date, or (*c*) in any abridgment of or extract from any such specification published under the authority of the comptroller or of the Government of any country outside the United Kingdom, or (*d*) in a provisional specification of any date not followed by a complete specification. (2) A patent shall not be held to be invalid by reason only of the invention in respect of which the patent was granted or any part thereof having been published prior to the date of the patent, if the patentee proves to the satisfaction of the court that the publication was made without the knowledge and consent of the true inventor, and that the matter published was derived or obtained from the true inventor, and if the true inventor learnt of the publication before the date of his application for the patent that he applied for and obtained protection for the invention with all reasonable diligence after learning of the publication : Provided that the protection afforded by this subsection shall not extend to a patentee who has or whose predecessors in title (which

Section Amended.	Nature of Amendment.
	expression shall include the applicant for the patent) have commercially worked the invention in the United Kingdom otherwise than for the purpose of reasonable trial of the invention prior to the date of the application for the patent.”
Section 43.	In subsection (2) there shall be substituted for the word “ him ” the words “ the deceased ”.
	After section forty-four of the principal Act, the following section shall be inserted :— “ 44A. A person making a request to the comptroller in the prescribed manner as respects any patent specified in the request or as respects any application for a patent so specified, for information to be furnished to him by the comptroller of any such matters as may be prescribed affecting that patent or application, shall be entitled, subject to payment of the prescribed fees, to have information furnished to him accordingly.”
Section 46.	In subsection (1) there shall be substituted for the words “ an illustrated ” the word “ a ”; and after the word “ law ” there shall be inserted the words “ reports of decisions of the comptroller, of the law officer, or of the Appeal Tribunal ”.
Section 49.	In subsection (3) the words “ except where the “ refusal is given on a ground mentioned in “ section seventy-five of this Act ” shall be omitted; and for the word “ court ” in both places where that word occurs there shall be substituted the words “ Appeal Tribunal ”.
Section 53.	In subsection (2) the words “ within the prescribed time ” shall be omitted; and after the word “ years ” where that word first occurs there shall be inserted the words “ or within such “ further time (not exceeding three months) as “ the comptroller may allow ”. In subsection (3) the words “ within the prescribed time ” shall be omitted; and after the word “ years ” where that word first occurs there shall be inserted the words “ or within such further “ time (not exceeding three months) as the comptroller may allow ”.
Section 54.	In subsection (1) paragraph (*a*) shall be omitted.

Section Amended.	Nature of Amendment.
Section 58.	The following subsection shall be substituted for subsection (1) :— " (1) At any time after the registration of a design any person interested may apply to the comptroller— (*a*) for the cancellation of the registration of the design on the ground that the design has been published in the United Kingdom prior to the date of the registration; (*b*) for the grant of a compulsory licence on the ground that the design is applied by manufacture to any article in a country outside the United Kingdom and is not so applied by manufacture in the United Kingdom to such an extent as is reasonable in the circumstances of the case and the comptroller may make such order on the application as he considers just : Provided that the comptroller shall not make any order under paragraph (*b*) of this subsection which is at variance with any treaty, convention, arrangement, or engagement with any country outside the United Kingdom." In subsection (2) for the word " court " there shall be substituted the words " Appeal Tribunal ".
Section 61.	After the word " apply " where that word first occurs there shall be inserted the words " with the necessary modifications "; and the words " with the substitution " and the following words to the end of the section shall be omitted.
Section 68.	At the end of the section there shall be inserted the words " where either (*a*) the complete specification has been accepted; or (*b*) the complete specification has been published and the application has become void."
Section 69.	In subsection (1), after the word " void," there shall be inserted the words " the application "; and after the word " and " there shall be inserted the word " the "; and after the word " drawings " there shall be inserted the words " samples and specimens."
Section 70.	In paragraph (*c*) for the words " clerical error " there shall be substituted the words " error in an application for the registration of or "; and at

Section Amended.	Nature of Amendment.
	the end of the section the following words shall be inserted:— "Provided that where a request is made for a correction under paragraph (*a*) of this section and it appears to the comptroller that the correction would materially alter the meaning or scope of the document to which the request relates, and ought not to be made without notice to persons affected thereby, he shall require a notice of the nature of the proposed correction to be advertised in the prescribed manner, and any person may within the prescribed time and in the prescribed manner give notice at the Patent Office of opposition to the request and, where any such notice is given, the comptroller shall, after giving notice of the opposition to the applicant and after giving to the applicant and to the opponent an opportunity of being heard, decide on the case."
Section 71.	In subsection (1) after the word "comptroller" where that word first occurs, there shall be inserted the words "in the prescribed manner" and the words "in the prescribed manner" shall be omitted. In subsection (2) after the word "comptroller" where that word first occurs, there shall be inserted the words "in the prescribed manner" and the words "in the prescribed manner" shall be omitted.
Section 73A.	In subsection (2), after the word "patent" there shall be inserted the words "or for the "cancellation of the registration of a design or "for the grant of a compulsory licence in relation "to a patent or to a registered design"; and for the words "law officer" in both places where those words occur, there shall be substituted the words "Appeal Tribunal".
Section 74.	Shall be omitted.
Section 76.	The words "all general rules made in that year under or for the purposes of this Act and" shall be omitted.
Section 77.	For subsection (2), the following subsection shall be substituted:— "(2) The comptroller shall in respect of discovery and production of documents and,

Section Amended.	Nature of Amendment.
	where any evidence is taken *viva voce,* in respect of requiring the attendance of witnesses and taking evidence on oath, be in the same position in all respects as an official referee of the Supreme Court."
Section 80.	Shall be omitted.
Section 83.	For the word " lunacy " there shall be substituted the words " unsoundness of mind ".
Section 84.	Subsection (2) shall be omitted. In subsection (3), after the word " pounds " there shall be inserted the words " or in the case of a " second or subsequent conviction to a fine not " exceeding fifty pounds " ; and after that subsection the following subsection shall be inserted— " (4) Notwithstanding anything in any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under this section may be commenced at any time within twelve months from the date on which the alleged offence was committed."
Section 85.	In subsection (1), after the words " whose name " has been erased from the register of patent " agents " there shall be inserted the words " or " (during the term of his suspension) any person " who has been suspended from acting as a " patent agent,".
Section 86.	In subsection (3) for the words " official journal to be issued by the comptroller," there shall be substituted the words " Official Journal (Patents)."
Section 91.	In the proviso to subsection (1) there shall be substituted in paragraph (*a*) for the word " made " the word " dated,". After subsection (1) the following subsection shall be inserted :— " (2) Where the same applicant has made two or more applications for protection of inventions in any foreign state to which the provisions of this section apply, and the comptroller is of opinion that the whole of the inventions in respect of which the applications were made are such as to constitute a single invention and may properly be included in one

Section Amended.	Nature of Amendment.
	patent, he may, if a separate application dated within twelve months from the date of the earliest of the foreign applications is made in respect of each of the foreign applications, accept one complete specification in respect of the whole of those inventions and grant a single patent thereon. The patent shall bear the date of the earliest of the foreign applications, but in considering the validity thereof and in determining other questions under this Act, the court or the comptroller, as the case may be, shall have regard to the respective dates of the foreign applications relating to the several matters claimed in the specification." In paragraph (*a*) of subsection (3) for the words "the twelve" there shall be substituted the word "eighteen"; after the word "state" there shall be inserted the words "or in the case " of applications made in accordance with the " provisions of subsection (2) of this section from " the earliest of the applications for protection " in the foreign state"; and after the word "drawings" there shall be inserted the words "samples and specimens." In subsection (5), for the words "British possession" there shall be substituted the words "part of His Majesty's dominions outside the United Kingdom"; and for the words "that possession" there shall be substituted the words "that part of His Majesty's dominions."
Section 92.	In subsection (1) for the word "Ireland" there shall be substituted the words "Northern Ireland."
Section 93.	The definition of "Law officer" shall be omitted; For the definition of "British possession" there shall be substituted the following definition "'His Majesty's dominions outside the United " Kingdom' includes any territory under His " Majesty's protection, or in respect of which a " mandate on behalf of the League of Nations is " being exercised by His Majesty, but does not " include the Isle of Man or the Channel Islands." In the definition of "Invention" the words in brackets shall be omitted.

Section Amended.	Nature of Amendment.
	At the end of the section, the following words shall be inserted :— "'The comptroller' means the Comptroller General of Patents, Designs and Trade Marks." "'Date of application' has the meaning assigned to it in section four of this Act." "'Patent of addition' means a patent granted under the provisions of section nineteen of this Act." "'The Appeal Tribunal' means the tribunal constituted under the provisions of section 92A of this Act." "'The Statute of Monopolies' means the Act of the twenty-first year of the reign of King James the First chapter three, intituled 'An Act concerning monopolies and dispensations with penal laws and the forfeiture thereof.'"
Section 95.	For the word "Ireland" in every place where that word occurs there shall be substituted the words "Northern Ireland."
First Schedule.	For the figure "£3 0*s.* 0*d.*" there shall be substituted the figure "£4 0*s.* 0*d.*" and for the figure "£4 0*s.* 0*d.*" in both places where that figure occurs there shall be substituted the figure "£5 0*s.* 0*d.*"

CHAPTER 33.

An Act to amend section forty of the Rating and Valuation Act, 1925. [12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of 15 & 16 Geo. 5. c. 90. s. 40.

1. Subsection (1) of section forty of the Rating and Valuation Act, 1925 (which provides that, in every case where a new valuation list is to be made for any area, the rating authority shall serve notices on the occupiers, owners or lessees of every hereditament in the area requiring them to make returns), shall have effect as if it authorised rating authorities to serve such notices, instead of requiring them to do so; and accordingly the following amendments shall be made in that subsection, that is to say,—

(*a*) the word "may" shall be substituted for the word "shall" where that word first occurs;

(*b*) the word "any" shall be substituted for the word "every";

(*c*) the words "Any such notice" shall be substituted for the words "The said notices."

Short title and citation.

2. This Act may be cited as the Rating and Valuation (No. 2) Act, 1932, and shall be included among the Acts which may be cited together as the Rating and Valuation Acts, 1925 to 1932.

CHAPTER 34.

An Act to enable the Trustees of the British Museum to except certain publications from the provisions of subsection (1) of section fifteen of the Copyright Act, 1911.

[12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power of Trustees to except certain publications from s. 15 (1) of 1 & 2 Geo. 5. c. 46.

1.—(1) Notwithstanding anything in subsection (1) of section fifteen of the Copyright Act, 1911, the publisher of any publication of a class to which this Act for the time being applies shall not be required to deliver a copy of the publication to the Trustees of the British Museum (hereafter in this Act referred to as "the Trustees") unless a written demand for the delivery thereof is made by the Trustees; and the Trustees shall not be required to accept or give a receipt for a copy of any publication which is not required to be delivered to them.

(2) The Trustees may by regulations—

(*a*) apply this Act to publications of such classes as may be specified in the regulations, being publications of all or any of the descriptions set out in the Schedule to this Act;

(*b*) except any particular publication from any class of publication to which this Act is applied by the regulations, or to which this Act has been applied by previous regulations.

(3) All regulations made under this Act shall be laid before each House of Parliament as soon as may be after they are made, and if either House, within the next subsequent twenty-eight days on which that House has sat after the regulations are laid before it, resolves that the regulations be annulled, the regulations shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of any new regulations.

Short title and repeal.

2.—(1) This Act may be cited as the British Museum Act, 1932.

5 & 6 Geo. 5. c. 38.

(2) The Copyright (British Museum) Act, 1915, (which empowers the Board of Trade on the application of the Trustees to except publications wholly or mainly in the nature of trade advertisements from the provisions of subsection (1) of section fifteen of the Copyright Act, 1911) is hereby repealed:

Provided that, notwithstanding the repeal of that Act, any regulations made thereunder shall continue in force and shall have effect as if they had been made by the Trustees under this Act and as if this Act were thereby applied to publications of the descriptions therein specified.

SCHEDULE.

Publications to which Act may be applied.

Publications wholly or mainly in the nature of trade advertisements.

Registers of voters prepared under the Representation of the People Act, 1918, as amended by any subsequent enactment.

Specifications of inventions prepared for the purposes of the Patents and Designs Act, 1907, as amended by any subsequent enactment.

Publications wholly or mainly in the nature of time tables of passenger transport services, being publications prepared for local use.

Publications wholly or mainly in the nature of calendars.

Publications wholly or mainly in the nature of blank forms of accounts, or blank forms of receipts, or other blank forms of a similar character.

Wall sheets printed with alphabets, mottoes, religious texts or other matter for the purpose of elementary instruction.

CHAPTER 35.

An Act to make provision with respect to mortgages for securing loans made by the company formed for the purposes of Part I of the Agricultural Credits Act, 1928. [12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Application of Act.

1. The mortgages to which this Act applies are mortgages made, whether before or after the date of the commencement of this Act, for securing loans made on mortgage by the company formed for the purposes of Part I of the Agricultural Credits Act, 1928 (in this Act referred to as "the principal Act"), and the expression

18 & 19 Geo. 5. c. 43

"mortgage" in this Act means a mortgage to which this Act applies, and the expression "loan" means a loan made as aforesaid:

Provided that nothing in this Act shall operate so as to prejudice any order made by any court before the said date or any title to any property acquired before the said date by any purchaser in good faith for money or money's worth.

Validity of provision in mortgage for repayment of loan by instalments.

2. Notwithstanding any rule of equity to the contrary a provision in a mortgage requiring the loan secured thereby to be repaid by such instalments of capital and interest as are specified in paragraph (*c*) of subsection (3) of section two of the principal Act, shall not be treated as being invalid by reason only that the mortgage is thereby rendered irredeemable for the period during which the instalments are payable.

Provisions as to mortgages where land is held in trust.

15 & 16 Geo. 5. c. 18.

15 & 16 Geo. 5. c. 20.

15 & 16 Geo. 5. c. 23.

3.—(1) Where in pursuance of the power conferred by section seventy-one of the Settled Land Act, 1925, a mortgage is granted by any person entitled, whether under that Act, or under the Law of Property Act, 1925, or under the Administration of Estates Act, 1925, or otherwise, to exercise that power there may be inserted therein a provision that the loan thereby secured shall be repayable on any of the terms on which, by virtue of the provisions of paragraph (*c*) aforesaid, a loan may be made repayable.

(2) Where a mortgage granted as aforesaid provides for the repayment of the loan thereby secured by means of such instalments of principal and interest as are specified by paragraph (*c*) aforesaid, the instalments shall, as between the persons having limited interests in the mortgaged property and the persons in remainder or reversion, be payable by the person who would be bound to pay the instalments if they were yearly or other periodical payments of a charge on that property made under the Improvement of Land Act, 1864.

27 & 28 Vict. c. 114.

(3) Where a loan made for defraying the expenses of an improvement of any kind authorised by Part I of the Third Schedule to the Settled Land Act, 1925, is, under the terms of the mortgage securing the loan, repayable by such instalments as aforesaid, the repayment secured by the mortgage shall, for the purposes of

paragraph (xiii) of subsection (1) of section seventy-three of the said Act (which relates to the application of capital money in redemption of an improvement rent-charge), and of section eighty-eight of the said Act (which relates to the maintenance of improvements), be deemed to constitute an improvement rentcharge within the meaning of the said Act.

4. This Act may be cited as the Agricultural Credits Act, 1932, and the principal Act and this Act may be cited together as the Agricultural Credits Acts, 1928 and 1932. Short title.

CHAPTER 36.

An Act to give effect to a Convention for the unification of certain rules relating to international carriage by air, to make provision for applying the rules contained in the said Convention, subject to exceptions, adaptations and modifications, to carriage by air which is not international carriage within the meaning of the Convention, and for purposes connected with the purposes aforesaid. [12th July 1932.]

WHEREAS a Convention for the unification of certain rules relating to international carriage by air was on the twelfth day of October, nineteen hundred and twenty-nine, signed at Warsaw on behalf of His Majesty:

And whereas it is expedient that provision should be made for giving effect to the said Convention:

And whereas it is also expedient to make provision for applying the rules contained in the said Convention, subject to exceptions, adaptations and modifications, to carriage by air which is not international carriage within the meaning of the Convention:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Provisions of Convention to have force of law.

1.—(1) As from such day as His Majesty may by Order in Council certify to be the day on which the Convention comes into force as regards the United Kingdom, the provisions thereof as set out in the First Schedule to this Act shall, so far as they relate to the rights and liabilities of carriers, passengers, consignors, consignees and other persons and subject to the provisions of this section, have the force of law in the United Kingdom in relation to any carriage by air to which the Convention applies, irrespective of the nationality of the aircraft performing that carriage.

(2) His Majesty may by Order in Council from time to time certify who are the High Contracting Parties to the Convention, in respect of what territories they are respectively parties and to what extent they have availed themselves of the provisions of the Additional Protocol to the Convention, and any such Order shall, except in so far as it has been superseded by a subsequent Order, be conclusive evidence of the matters so certified.

(3) Any reference in the said First Schedule to the territory of any High Contracting Party to the Convention shall be construed as a reference to the territories subject to his sovereignty, suzerainty, mandate or authority, in respect of which he is a party.

(4) Any liability imposed by Article seventeen of the said First Schedule on a carrier in respect of the death of a passenger shall be in substitution for any liability of the carrier in respect of the death of that passenger either under any statute or at common law, and the provisions set out in the Second Schedule to this Act shall have effect with respect to the persons by and for whose benefit the liability so imposed is enforceable and with respect to the manner in which it may be enforced.

(5) Any sum in francs mentioned in Article twenty-two of the said First Schedule shall, for the purposes of any action against a carrier, be converted into sterling at the rate of exchange prevailing on the date on which the amount of any damages to be paid by the carrier is ascertained by the court.

2. Every High Contracting Party to the Convention who has not availed himself of the provisions of the additional Protocol thereto shall, for the purposes of any action brought in a court in the United Kingdom in accordance with the provisions of Article twenty-eight of the said First Schedule to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on; but nothing in this section shall authorise the issue of execution against the property of any High Contracting Party.

Provisions as to actions against High Contracting Parties who undertake carriage by air.

3. His Majesty may by Order in Council direct that the foregoing provisions of this Act shall extend, subject however to such exceptions, adaptations and modifications, if any, as may be specified in the Order, to all or any of the following territories, that is to say, the Isle of Man, any of the Channel Islands, any colony and any territory which is under His Majesty's protection, or in respect of which a mandate from the League of Nations is being exercised by His Majesty's Government in the United Kingdom.

Application of this Act to colonies, protectorates, &c.

4. His Majesty may by Order in Council apply the provisions of the First Schedule to this Act and any provision of section one of this Act to such carriage by air, not being international carriage by air as defined in the said First Schedule, as may be specified in the Order, subject however to such exceptions, adaptations and modifications, if any, as may be so specified.

Provision for applying Act to carriage by air which is not international.

Any such order may extend to the United Kingdom, and to all or any of the territories mentioned in the last preceding section.

5.—(1) An Order in Council made under either of the two last preceding sections may contain such consequential provisions as His Majesty in Council thinks fit, and may be varied or revoked by a subsequent Order in Council.

Provisions as to Orders in Council.

(2) Every such Order in Council shall be laid before Parliament so soon as may be after it is made.

6. This Act may be cited as the Carriage by Air Act, 1932.

Short title.

SCHEDULES.

FIRST SCHEDULE.

CONVENTION

FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR.

CHAPTER I.

Scope.—Definitions.

Article 1.

(1) This Convention applies to all international carriage of persons, luggage or goods performed by aircraft for reward. It applies equally to gratuitous carriage by aircraft performed by an air transport undertaking.

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perial Airways
1935 W.N.
179; 1937 1
K.B. 50.

(2) For the purposes of this Convention the expression "international carriage" means any carriage in which, according to the contract made by the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transhipment, are situated either within the territories of two High Contracting Parties, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to this Convention. A carriage without such an agreed stopping place between territories subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party is not deemed to be international for the purposes of this Convention.

(3) A carriage to be performed by several successive air carriers is deemed, for the purposes of this Convention, to be one undivided carriage, if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract

or a series of contracts is to be performed entirely within a territory subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party.

Article 2.

(1) This Convention applies to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in Article 1.

(2) This Convention does not apply to carriage performed under the terms of any international postal Convention.

CHAPTER II.

DOCUMENTS OF CARRIAGE.

SECTION 1.—PASSENGER TICKET.

Article 3.

(1) For the carriage of passengers the carrier must deliver a passenger ticket which shall contain the following particulars :—

(*a*) the place and date of issue;

(*b*) the place of departure and of destination;

(*c*) the agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right, the alteration shall not have the effect of depriving the carriage of its international character;

(*d*) the name and address of the carrier or carriers;

(*e*) a statement that the carriage is subject to the rules relating to liability established by this Convention.

(2) The absence, irregularity or loss of the passenger ticket does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of this Convention. Nevertheless, if the carrier accepts a passenger without a passenger ticket having been delivered he shall not be entitled to avail himself of those provisions of this Convention which exclude or limit his liability.

SECTION 2.—LUGGAGE TICKET.

Article 4.

(1) For the carriage of luggage, other than small personal objects of which the passenger takes charge himself, the carrier must deliver a luggage ticket.

(2) The luggage ticket shall be made out in duplicate, one part for the passenger and the other part for the carrier.

1st Sch. —*cont.*

(3) The luggage ticket shall contain the following particulars :—

(*a*) the place and date of issue ;

(*b*) the place of departure and of destination ;

(*c*) the name and address of the carrier or carriers ;

(*d*) the number of the passenger ticket ;

(*e*) a statement that delivery of the luggage will be made to the bearer of the luggage ticket ;

(*f*) the number and weight of the packages ;

(*g*) the amount of the value declared in accordance with Article 22 (2) ;

(*h*) a statement that the carriage is subject to the rules relating to liability established by this Convention.

(4) The absence, irregularity or loss of the luggage ticket does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of this Convention. Nevertheless, if the carrier accepts luggage without a luggage ticket having been delivered, or if the luggage ticket does not contain the particulars set out at (*d*) (*f*) and (*h*) above, the carrier shall not be entitled to avail himself of those provisions of the Convention which exclude or limit his liability.

Section 3.—Air Consignment Note.

Article 5.

(1) Every carrier of goods has the right to require the consignor to make out and hand over to him a document called an " air consignment note " ; every consignor has the right to require the carrier to accept this document.

(2) The absence, irregularity or loss of this document does not affect the existence or the validity of the contract of carriage which shall, subject to the provisions of Article 9, be none the less governed by the rules of this Convention.

Article 6.

(1) The air consignment note shall be made out by the consignor in three original parts and be handed over with the goods.

(2) The first part shall be marked " for the carrier," and shall be signed by the consignor. The second part shall be marked " for the consignee " ; it shall be signed by the consignor and by the carrier and shall accompany the goods. The third part shall be signed by the carrier and handed by him to the consignor after the goods have been accepted.

1st Sch. —*cont.*

(3) The carrier shall sign on acceptance of the goods.

(4) The signature of the carrier may be stamped; that of the consignor may be printed or stamped.

(5) If, at the request of the consignor, the carrier makes out the air consignment note, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

Article 7.

The carrier of goods has the right to require the consignor to make out separate consignment notes when there is more than one package.

Article 8.

The air consignment note shall contain the following particulars :—

(*a*) the place and date of its execution;

(*b*) the place of departure and of destination;

(*c*) the agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right the alteration shall not have the effect of depriving the carriage of its international character;

(*d*) the name and address of the consignor;

(*e*) the name and address of the first carrier;

(*f*) the name and address of the consignee, if the case so requires;

(*g*) the nature of the goods;

(*h*) the number of the packages, the method of packing and the particular marks or numbers upon them;

(*i*) the weight, the quantity and the volume or dimensions of the goods;

(*j*) the apparent condition of the goods and of the packing;

(*k*) the freight, if it has been agreed upon, the date and place of payment, and the person who is to pay it;

(*l*) if the goods are sent for payment on delivery, the price of the goods, and, if the case so requires, the amount of the expenses incurred;

(*m*) the amount of the value declared in accordance with Article 22 (2);

(*n*) the number of parts of the air consignment note;

(*o*) the documents handed to the carrier to accompany the air consignment note;

1st Sch. —*cont.*

(*p*) the time fixed for the completion of the carriage and a brief note of the route to be followed, if these matters have been agreed upon;

(*q*) a statement that the carriage is subject to the rules relating to liability established by this Convention.

Article 9.

estminster
ank v Imperial
irways 1936
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If the carrier accepts goods without an air consignment note having been made out, or if the air consignment note does not contain all the particulars set out in Article 8 (*a*) to (*i*) inclusive and (*q*), the carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability.

Article 10.

(1) The consignor is responsible for the correctness of the particulars and statements relating to the goods which he inserts in the air consignment note.

(2) The consignor will be liable for all damage suffered by the carrier or any other person by reason of the irregularity, incorrectness or incompleteness of the said particulars and statements.

Article 11.

(1) The air consignment note is *prima facie* evidence of the conclusion of the contract, of the receipt of the goods and of the conditions of carriage.

(2) The statements in the air consignment note relating to the weight, dimensions and packing of the goods, as well as those relating to the number of packages, are *prima facie* evidence of the facts stated; those relating to the quantity, volume and condition of the goods do not constitute evidence against the carrier except so far as they both have been, and are stated in the air consignment note to have been, checked by him in the presence of the consignor, or relate to the apparent condition of the goods.

Article 12.

(1) Subject to his liability to carry out all his obligations under the contract of carriage, the consignor has the right to dispose of the goods by withdrawing them at the aerodrome of departure or destination, or by stopping them in the course of the journey on any landing, or by calling for them to be delivered at the place of destination or in the course of the journey to a person other than the consignee named in the air consignment note, or by requiring them to be returned to the aerodrome of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and he must repay any expenses occasioned by the exercise of this right.

1st Sch.—*cont.*

(2) If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

(3) If the carrier obeys the orders of the consignor for the disposition of the goods without requiring the production of the part of the air consignment note delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the air consignment note.

(4) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with Article 13. Nevertheless, if the consignee declines to accept the consignment note or the goods, or if he cannot be communicated with, the consignor resumes his right of disposition.

Article 13.

(1) Except in the circumstances set out in the preceding Article, the consignee is entitled, on arrival of the goods at the place of destination, to require the carrier to hand over to him the air consignment note and to deliver the goods to him, on payment of the charges due and on complying with the conditions of carriage set out in the air consignment note.

(2) Unless it is otherwise agreed, it is the duty of the carrier to give notice to the consignee as soon as the goods arrive.

(3) If the carrier admits the loss of the goods, or if the goods have not arrived at the expiration of seven days after the date on which they ought to have arrived, the consignee is entitled to put into force against the carrier the rights which flow from the contract of carriage.

Article 14.

The consignor and the consignee can respectively enforce all the rights given them by Articles 12 and 13, each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

Article 15.

(1) Articles 12, 13 and 14 do not affect either the relations of the consignor or the consignee with each other or the mutual relations of third parties whose rights are derived either from the consignor or from the consignee.

(2) The provisions of Articles 12, 13 and 14 can only be varied by express provision in the air consignment note.

Article 16.

(1) The consignor must furnish such information and attach to the air consignment note such documents as are necessary to meet the formalities of customs, octroi or police before the goods can be delivered to the consignee. The consignor is liable to the

carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his agents.

(2) The carrier is under no obligation to enquire into the correctness or sufficiency of such information or documents.

CHAPTER III.

Liability of the Carrier.

Article 17.

The carrier is liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

Article 18.

(1) The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage to, any registered luggage or any goods, if the occurrence which caused the damage so sustained took place during the carriage by air.

(2) The carriage by air within the meaning of the preceding paragraph comprises the period during which the luggage or goods are in charge of the carrier, whether in an aerodrome or on board an aircraft, or, in the case of a landing outside an aerodrome, in any place whatsoever.

(3) The period of the carriage by air does not extend to any carriage by land, by sea or by river performed outside an aerodrome. If, however, such a carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or trans-shipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the carriage by air.

Article 19.

The carrier is liable for damage occasioned by delay in the carriage by air of passengers, luggage or goods.

Article 20.

(1) The carrier is not liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

(2) In the carriage of goods and luggage the carrier is not liable if he proves that the damage was occasioned by negligent pilotage or negligence in the handling of the aircraft or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage.

Article 21.

If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person the Court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

Article 22.

(1) In the carriage of passengers the liability of the carrier for each passenger is limited to the sum of 125,000 francs. Where, in accordance with the law of the Court seised of the case, damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed 125,000 francs. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

(2) In the carriage of registered luggage and of goods, the liability of the carrier is limited to a sum of 250 francs per kilogram, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of the value at delivery and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the actual value to the consignor at delivery.

(3) As regards objects of which the passenger takes charge himself the liability of the carrier is limited to 5,000 francs per passenger.

(4) The sums mentioned above shall be deemed to refer to the French franc consisting of 65½ milligrams gold of millesimal fineness 900. These sums may be converted into any national currency in round figures.

Article 23.

Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in this Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of this Convention.

Article 24.

(1) In the cases covered by Articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in this Convention.

(2) In the cases covered by Article 17 the provisions of the preceding paragraph also apply, without prejudice to the questions as to who are the persons who have the right to bring suit and what are their respective rights.

1ST SCH. —*cont.*

Article 25.

(1) The carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability, if the damage is caused by his wilful misconduct or by such default on his part as, in accordance with the law of the Court seised of the case, is considered to be equivalent to wilful misconduct.

(2) Similarly the carrier shall not be entitled to avail himself of the said provisions, if the damage is caused as aforesaid by any agent of the carrier acting within the scope of his employment.

Article 26.

(1) Receipt by the person entitled to delivery of luggage or goods without complaint is *prima facie* evidence that the same have been delivered in good condition and in accordance with the document of carriage.

(2) In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within three days from the date of receipt in the case of luggage and seven days from the date of receipt in the case of goods. In the case of delay the complaint must be made at the latest within fourteen days from the date on which the luggage or goods have been placed at his disposal.

(3) Every complaint must be made in writing upon the document of carriage or by separate notice in writing despatched within the times aforesaid.

(4) Failing complaint within the times aforesaid, no action shall lie against the carrier, save in the case of fraud on his part.

Article 27.

In the case of the death of the person liable, an action for damages lies in accordance with the terms of this Convention against those legally representing his estate.

Article 28.

(1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the Court having jurisdiction where the carrier is ordinarily resident, or has his principal place of business, or has an establishment by which the contract has been made or before the Court having jurisdiction at the place of destination.

(2) Questions of procedure shall be governed by the law of the Court seised of the case.

Article 29.

(1) The right to damages shall be extinguished if an action is not brought within two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

(2) The method of calculating the period of limitation shall be determined by the law of the Court seised of the case.

Article 30.

(1) In the case of carriage to be performed by various successive carriers and falling within the definition set out in the third paragraph of Article 1, each carrier who accepts passengers, luggage or goods is subjected to the rules set out in this Convention, and is deemed to be one of the contracting parties to the contract of carriage in so far as the contract deals with that part of the carriage which is performed under his supervision.

(2) In the case of carriage of this nature, the passenger or his representative can take action only against the carrier who performed the carriage during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) As regards luggage or goods, the passenger or consignor will have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery will have a right of action against the last carrier, and further, each may take action against the carrier who performed the carriage during which the destruction, loss, damage or delay took place. These carriers will be jointly and severally liable to the passenger or to the consignor or consignee.

CHAPTER IV.

Provisions Relating to Combined Carriage.

Article 31.

(1) In the case of combined carriage performed partly by air and partly by any other mode of carriage, the provisions of this Convention apply only to the carriage by air, provided that the carriage by air falls within the terms of Article 1.

(2) Nothing in this Convention shall prevent the parties in the case of combined carriage from inserting in the document of air carriage conditions relating to other modes of carriage, provided that the provisions of this Convention are observed as regards the carriage by air.

1st Sch. —*cont.*

CHAPTER V.

General and Final Provisions.

Article 32.

Any clause contained in the contract and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless for the carriage of goods arbitration clauses are allowed, subject to this Convention, if the arbitration is to take place within one of the jurisdictions referred to in the first paragraph of Article 28.

Article 33.

Nothing contained in this Convention shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of this Convention.

Article 34.

This Convention does not apply to international carriage by air performed by way of experimental trial by air navigation undertakings with the view to the establishment of a regular line of air navigation, nor does it apply to carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business.

Article 35.

The expression "days" when used in this Convention means current days not working days.

Article 36.

The Convention is drawn up in French in a single copy which shall remain deposited in the archives of the Ministry for Foreign Affairs of Poland and of which one duly certified copy shall be sent by the Polish Government to the Government of each of the High Contracting Parties.

Article 37.

(1) This Convention shall be ratified. The instruments of ratification shall be deposited in the archives of the Ministry for Foreign Affairs of Poland, which will notify the deposit to the Government of each of the High Contracting Parties.

(2) As soon as this Convention shall have been ratified by five of the High Contracting Parties it shall come into force as between them on the ninetieth day after the deposit of the fifth

ratification. Thereafter it shall come into force between the High Contracting Parties who shall have ratified and the High Contracting Party who deposits his instrument of ratification on the ninetieth day after the deposit.

1st Sch. —*cont.*

(3) It shall be the duty of the Government of the Republic of Poland to notify to the Government of each of the High Contracting Parties the date on which this Convention comes into force as well as the date of the deposit of each ratification.

Article 38.

(1) This Convention shall, after it has come into force, remain open for accession by any State.

(2) The accession shall be effected by a notification addressed to the Government of the Republic of Poland, which will inform the Government of each of the High Contracting Parties thereof.

(3) The accession shall take effect as from the ninetieth day after the notification made to the Government of the Republic of Poland.

Article 39.

(1) Any one of the High Contracting Parties may denounce this Convention by a notification addressed to the Government of the Republic of Poland, which will at once inform the Government of each of the High Contracting Parties.

(2) Denunciation shall take effect six months after the notification of denunciation, and shall operate only as regards the Party who shall have proceeded to denunciation.

Article 40.

(1) Any High Contracting Party may, at the time of signature or of deposit of ratification or of accession declare that the acceptance which he gives to this Convention does not apply to all or any of his colonies, protectorates, territories under mandate, or any other territory subject to his sovereignty or his authority, or any territory under his suzerainty.

(2) Accordingly any High Contracting Party may subsequently accede separately in the name of all or any of his colonies, protectorates, territories under mandate or any other territory subject to his sovereignty or to his authority or any territory under his suzerainty which has been thus excluded by his original declaration.

(3) Any High Contracting Party may denounce this Convention, in accordance with its provisions, separately or for all or any of his colonies, protectorates, territories under mandate or any other territory subject to his sovereignty or to his authority, or any other territory under his suzerainty.

1st Sch. —*cont.*

Article 41.

Any High Contracting Party shall be entitled not earlier than two years after the coming into force of this Convention to call for the assembling of a new international Conference in order to consider any improvements which may be made in this Convention. To this end he will communicate with the Government of the French Republic which will take the necessary measures to make preparations for such Conference.

This Convention done at Warsaw on the 12th October, 1929, shall remain open for signature until the 31st January, 1930.

[*Here follow the signatures on behalf of the following countries :—*

Germany, Austria, Belgium, Brazil, Denmark, Spain, France, Great Britain and Northern Ireland, the Commonwealth of Australia, the Union of South Africa, Greece, Italy, Japan, Latvia, Luxembourg, Norway, the Netherlands, Poland, Roumania, Switzerland, Czecho-Slovakia, the Union of Soviet Socialist Republics, and Yugoslavia.]

ADDITIONAL PROTOCOL.

(*With reference to Article* 2.)

The High Contracting Parties reserve to themselves the right to declare at the time of ratification or of accession that the first paragraph of Article 2 of this Convention shall not apply to international carriage by air performed directly by the State, its colonies, protectorates or mandated territories or by any other territory under its sovereignty, suzerainty or authority.

[*This additional Protocol was signed on behalf of the same countries as those above mentioned.*]

SECOND SCHEDULE.

PROVISIONS AS TO LIABILITY OF CARRIER IN THE EVENT OF THE DEATH OF A PASSENGER.

1. The liability shall be enforceable for the benefit of such of the members of the passenger's family as sustained damage by reason of his death.

In this paragraph the expression " member of a family " means wife or husband, parent, step-parent, grandparent, brother, sister, half-brother, half-sister, child, step-child, grandchild :

Provided that, in deducing any such relationship as aforesaid, any illegitimate person and any adopted person shall be treated as being, or as having been, the legitimate child of his mother and reputed father or, as the case may be, of his adopters.

2nd Sch. —*cont.*

2. An action to enforce the liability may be brought by the personal representative of the passenger or by any person for whose benefit the liability is under the last preceding paragraph enforceable, but only one action shall be brought in the United Kingdom in respect of the death of any one passenger, and every such action by whomsoever brought shall be for the benefit of all such persons so entitled as aforesaid as either are domiciled in the United Kingdom or, not being domiciled there, express a desire to take the benefit of the action.

3. Subject to the provisions of the next succeeding paragraph, the amount recovered in any such action, after deducting any costs not recovered from the defendant, shall be divided between the persons entitled in such proportions as the Court (or, where the action is tried with a jury, the jury) direct.

4. The Court before which any such action is brought may at any stage of the proceedings make any such order as appears to the Court to be just and equitable in view of the provisions of the First Schedule to this Act limiting the liability of a carrier and of any proceedings which have been, or are likely to be, commenced outside the United Kingdom in respect of the death of the passenger in question.

CHAPTER 37.

amended by the Solicitors Act 1933 (c. 24) and by the Solicitors Act 1934 (c. 45 and by the Solicitors Ac 1936 (c. 35) and by the Solicitors (Disci-plinary Committe Act 1939

An Act to consolidate the Solicitors Acts, 1839 to 1928, and other enactments relating to solicitors of the Supreme Court.

[12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

THE ROLL OF SOLICITORS.

Custody of the Roll.

The Law Society to act as registrar of solicitors.

1.—(1) The Law Society shall, subject as hereinafter provided, perform the duties imposed by this Act on the registrar of solicitors:

Provided that the Master of the Rolls, with the concurrence of the Lord Chancellor and the Lord Chief

Part I. —*cont.*

Justice, or (in case of difference) of one of them, may by order under their hands appoint any fit person, and thereafter from time to time appoint another fit person, or re-appoint the Society, to perform the said duties during pleasure.

(2) In this Act the expression "the registrar" means, as the case may be, either the Law Society or the person appointed for the time being to perform the said duties.

The registrar to keep the roll of solicitors.

2.—(1) The registrar shall keep, in accordance with the provisions of this Act and of any regulations made thereunder, an alphabetical list (in this Act referred to as "the roll") of all solicitors of the Supreme Court (in this Act referred to as "solicitors").

(2) The registrar shall have the custody of the roll and of all documents relating thereto, and shall allow any person to inspect the roll during office hours without payment.

Admission and enrolment.

Admission and enrolment of solicitors.

3.—(1) Any person who has obtained from the society a certificate of having passed the final examination provided for by this Act may apply to the Master of the Rolls to be admitted as a solicitor; and thereupon the Master of the Rolls, unless cause to the contrary is shown to his satisfaction, shall by writing under his hand and in such manner and form as he may from time to time think fit admit that person to be a solicitor.

(2) The registrar, upon production of an admission signed by the Master of the Rolls, and on payment to the Law Society of a fee not exceeding five pounds, shall enter on the roll the name of the person admitted.

Removal from the Roll and suspension from practice.

Constitution of Disciplinary Committee.

4. The Master of the Rolls shall appoint from among members of the Council of the Law Society and such former members of the Council as are practising as solicitors in England a disciplinary committee (in this Part of this Act referred to as "the Committee") consisting of such number of persons, not being less than three nor more than seven, as he may from time to time think fit, and may from time to time remove any member from the Committee and fill any vacancy therein and, subject to such limit as aforesaid, increase the number of the Committee.

Part I.
—*cont.*

Powers of Committee.

5.—(1) Any application—

(*a*) by a solicitor to procure his name to be removed from the roll;

(*b*) by another person to strike the name of a solicitor off the roll, or to require a solicitor to answer allegations contained in an affidavit,

shall be made to and heard by the Committee in accordance with rules made under the next succeeding section:

Provided that nothing in this section shall affect the jurisdiction which, apart from the provisions of this section, is exercisable by the Master of the Rolls or any judge of the High Court over solicitors.

In re The Solicit
Act 1932 193
1 K.B. 616.

(2) On the hearing of any such application the Committee shall have power to make any such order as to removing from or striking off the roll the name of the solicitor to whom the application relates, as to suspending him from practice, as to the payment by any party of costs, and otherwise in relation to the case as they may think fit:

Provided that upon proof of the commission of an offence with respect to which express provision is made by any section of this Act, the Committee shall, without prejudice to their power of making an order as to costs, impose the punishment, or one of the punishments, specified in that section.

Procedure of Committee.

See the rules
1932 W.N.
333.

6.—(1) The Committee, with the concurrence of the Master of the Rolls, may from time to time make rules for regulating the making, hearing and determining of applications to the Committee under this Part of this Act:

Provided that no such application shall be heard before less than three members of the Committee.

(2) For the purposes of any application made to them under this Part of this Act, the Committee may administer oaths and the applicant and the solicitor to whom the application relates may sue out writs of subpœna ad testificandum and duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

Filing, effect and notice of orders

7.—(1) Every order made by the Committee under this Part of this Act shall be prefaced by a statement of their findings in relation to the facts of the case and shall

Part I. —*cont.* made by the Committee.

be signed by their Chairman and filed with the registrar, and as soon as it has been so filed shall be acted upon by the registrar and be enforceable in the same manner as a judgment or order of the High Court to the like effect.

(2) Where by any such order as aforesaid the name of any solicitor is ordered to be removed from, or struck off, the roll, or any solicitor is suspended from practice, the registrar shall forthwith upon the filing of the order cause a notice stating the effect of the operative part thereof to be published in the London Gazette.

(3) The file of orders made by the Committee under this Part of this Act may be inspected by any person during office hours without payment.

Appeal against orders of Committee.

8. An appeal against any order made by the Committee under this Part of this Act shall lie to the High Court at the instance either of the applicant or of the solicitor to whom the application relates, and every such appeal shall be made within such time and in such form and shall be heard in such manner as may be prescribed by rules made from time to time by the Master of the Rolls with the concurrence of the Lord Chancellor and the Lord Chief Justice or (in case of difference) of one of them.

Procedure upon applications to the High Court.

9. The following provisions of this section shall have effect in relation to any application made to the High Court by another person to strike the name of a solicitor off the roll, or to require a solicitor to answer allegations contained in an affidavit:—

(i) the applicant shall serve upon the registrar fourteen clear days' notice of his intention to make the application together with copies of all affidavits intended to be used in support of the application, and the Court shall not entertain any such application except upon production of an affidavit proving compliance with the requirements of this paragraph;

(ii) the registrar may appear by counsel upon the hearing of any such application and upon any other proceedings arising out of or in reference to the application, and may apply to the Court to make absolute any order *nisi* which may have been made by the Court in the matter of the application, or to make an order that the name of the solicitor to whom the application relates be struck off the roll or, as the case may be, that the solicitor do answer the allegations contained in the affidavit, or such other order as the court may deem fit:

(iii) the Court may order the costs of the registrar of or relating to any of the matters aforesaid to be paid by the solicitor against whom, or by the person by whom, the application was made, or was intended to be made, or partly by one and partly by the other of them.

Power of registrar to draw up orders.

10. Where an order (whether *nisi* or absolute) has been made by the High Court upon a motion to remove from, or strike off, the roll the name of a solicitor, or to require a solicitor to answer allegations contained in an affidavit, and has not been drawn up by the applicant within one week after it was made, the registrar may cause the order to be drawn up, and all future proceedings thereon shall be taken as if the motion had been made by the registrar.

Orders of High Court to be produced to registrar.

11. Where the name of any solicitor is ordered by the High Court to be removed from, or struck off, the roll, the order shall forthwith and before it is acted upon be produced to the registrar, and the registrar shall enter a note thereof on the roll in connection with the name of the solicitor and shall remove or strike off the name and shall mark the order as having been entered.

Limitation of time for certain applications to strike names off the roll.

12. Subject as hereinafter provided, no solicitor shall be liable to have his name struck off the roll on account of any defect in his articles of clerkship, or in the registration thereof, or in his service thereunder, or in his admission and enrolment, unless the application to strike his name off the roll is made within twelve months after the date of his enrolment:

Provided that this section shall not apply in any case where fraud is proved to have been committed in connection with the articles, registration, service, admission or enrolment.

Restoration to the Roll.

Power to replace name of solicitor on roll.

13.—(1) The Master of the Rolls may, if he thinks fit, at any time order the registrar to replace on the roll the name of a solicitor whose name has been removed from, or struck off, the roll.

PART I. —*cont.*

(2) In the case of a solicitor whose name has been struck off the roll for such an offence as is mentioned in section fifty-one of this Act, an order under this section shall for the purposes of subsection (2) of section three of this Act be deemed to be an admission.

PART II.

QUALIFICATIONS FOR ADMISSION AS SOLICITOR.

General.

Service under articles and passing of examinations conditions precedent to admission.

14. Subject to the provisions of this Part of this Act, no person shall be admitted as a solicitor unless he—

(*a*) has been bound by written articles of clerkship (in this Act referred to as "articles") to serve as an articled clerk to a practising solicitor in England for such term as is required by the next succeeding section and has duly served under those articles for that term; and

(*b*) has obtained from the Society, or some person authorised in writing by the Society, a certificate or certificates to the effect that he has passed—

(i) a preliminary examination, that is to say, an examination in general knowledge of persons becoming articled clerks; and

(ii) an intermediate examination, that is to say, an examination of articled clerks in order to ascertain the progress made by them during their articles in acquiring the knowledge necessary for rendering them fit and capable to act as solicitors; and

(iii) a final examination, that is to say, an examination of persons applying to be admitted as solicitors as to their articles and service thereunder and their fitness and capacity to act as solicitors in all business and matters usually transacted by solicitors, and also, if any allegation is made by the registrar as to the moral unfitness of any such person to be an officer of the Supreme Court, an inquiry into the truth of the allegation.

Articles of Clerkship.

PART II. —*cont.*

Term of articles.

15. The term for which a person desirous of being admitted as a solicitor, not being a person exempted from service under articles by virtue of any provision of this Part of this Act, is required to be bound by, and serve under, articles shall be determined in accordance with the provisions of the First Schedule to this Act.

Registration of articles.

16.—(1) All articles shall be produced to the registrar for registration and the registrar, on being satisfied by a statutory declaration or such other evidence as he deems sufficient of the due execution of the articles, shall record the names and addresses of the parties thereto and the date thereof and the date of the making of the entry, in a register, which shall be open to the inspection of any person during office hours without payment.

(2) If the articles of any clerk are not produced to the registrar for registration within six months from the date thereof, the service of the clerk shall, unless the Master of the Rolls otherwise directs, be reckoned as commencing only upon the date of the production of the articles.

(3) A fee of five shillings shall be payable to the registrar by the person producing any articles to him for registration under this section.

Number of articled clerks.

17. No solicitor shall have more than two articled clerks at the same time.

Solicitor ceasing to practise, or employed by another solicitor, not to take or retain an articled clerk.

18.—(1) No solicitor shall take or retain any articled clerk after he has ceased to practise as a solicitor, or while he is employed as a clerk by another solicitor.

(2) Service by an articled clerk to a solicitor during any period whilst such solicitor is employed as aforesaid shall not be deemed to be good service by the clerk under his articles.

Articled clerks to be employed continuously by masters.

19. Subject to the provisions of this Part of this Act, every articled clerk shall during the whole term of his articles be actually employed in the proper business, practice and employment of a solicitor by the solicitor to whom he is articled.

Part II. —*cont.*

Reckoning of service as pupil with London agent or barrister.

20. For the purposes of the last preceding section, such employment of an articled clerk as is hereinafter mentioned shall, if undertaken by virtue of a stipulation in his articles or with the permission of the solicitor to whom he is bound, be treated as if it had been employment under his articles with that solicitor, that is to say—

(*a*) in the case of any articled clerk, employment during any part not exceeding one year of the term of his articles as a bonâ fide pupil with that solicitor's London agent in the business practice or employment of a solicitor; and

(*b*) in the case of a clerk bound by articles to serve for a term of four years or longer, employment during any part not exceeding one year of the said term as a bonâ fide pupil with a practising barrister in England or a practising certificated special pleader in England, either in addition to such employment as is mentioned in the preceding paragraph, or in lieu thereof.

Articled clerks not to take other employment except with approval of a judge.

21.—(1) Subject to the provisions of this Part of this Act, no articled clerk shall during the term of his articles hold any office or engage in any employment other than the employment of clerk to the solicitor to whom he is bound or his partner, if any, in the business, practice and employment of a solicitor.

(2) This section shall not apply to any articled clerk who, before he enters upon or engages in any office or employment, has obtained—

(*a*) the written consent of the solicitor to whom he is bound; and

(*b*) an order of the Master of the Rolls or of a judge of the High Court sanctioning the holding by him of the office or his engagement in the employment.

(3) An order made under subsection (2) of this section may impose on the applicant such terms and conditions with regard to the office or employment as the Master of the Rolls or judge may think fit, and where any terms or conditions are so imposed and the applicant accepts or engages in the office or employment, he shall,

before being admitted, prove to the satisfaction of the Master of the Rolls, or a judge of the High Court, and of the examiners appointed by the Society for the purposes of this Part of this Act that he has duly observed and fulfilled those terms and conditions.

(4) An articled clerk who has omitted to make an application for an order under subsection (2) of this section before entering upon or engaging in an office or employment may at any time during the remainder of the term of his articles, or within one year after the expiration thereof, make to the Master of the Rolls, or a judge of the High Court, an application for an order relieving him from any disability under subsection (1) of this section; and, if he proves by affidavit from the solicitor to whom he was bound, or other satisfactory evidence, that his holding of the office or engagement in the employment was with the consent of the solicitor and has not interfered with due service under his articles, the judge hearing the application may grant such relief and, as a condition thereof, may make such order as he thinks fit with respect to the applicant's service for the remainder (or any part of the remainder) of the term of his articles subsequent to his entering upon the office or engaging in the employment, or with respect to the passing of any examination.

(5) Not less than fourteen days before making an application for any order under this section, the applicant shall give written notice of his intention to the registrar stating his name and residence and the name and residence of the solicitor to whom he is, or was, bound and the nature of the office or employment and the time which it is expected to occupy, or has occupied.

Default of solicitor in certain respects not to disqualify his articled clerk.

22. No person shall be disqualified for admission as a solicitor, or be liable to be struck off the roll, by reason only of any solicitor whom he has served for the whole or any part of the term of articled service required by this Act having neglected or omitted to take out a practising certificate in accordance with the provisions of this Act, or by reason only of any solicitor whom he has served for any period having been after the termination of that period, removed from or struck off the roll.

Part II. —*cont.*

Master of Rolls may in certain cases disregard irregularities of service under articles.

23. Where an articled clerk has not served under his articles in strict accordance with the provisions of this Part of this Act but has after the execution of his articles bonâ fide served, either continuously or not, one or more solicitors as an articled clerk for periods equal in the aggregate to the full term for which he was originally articled and has complied with the other requirements of this Part of this Act, the Master of the Rolls may, if he is satisfied that the irregularity in the service was occasioned by accident, mistake or other sufficient cause and that the service, though irregular, was substantially equivalent to service in accordance with the provisions of this Part of this Act, admit the clerk as if the service had been regular service.

Rights of articled clerk upon bankruptcy, &c., of solicitor.

24.—(1) Where before the expiration of the term for which a clerk is articled the solicitor to whom he is articled is adjudged bankrupt or is imprisoned for debt and remains in prison for twenty-one days, the High Court upon the application of the clerk may order his articles to be discharged, or to be transferred to another solicitor on such terms and in such manner as the court may think fit.

(2) Nothing in the last preceding subsection shall be construed as limiting or affecting—

(i) any power of the High Court in relation to articles, other than the powers mentioned in that subsection; or

(ii) the provisions of section thirty-four of the Bankruptcy Act, 1914.

4 & 5 Geo. 5. c. 59.

Fresh articles in case of death or retirement of solicitor, or if articles cancelled or discharged.

25.—(1) Where before the expiration of the term for which a clerk is articled the solicitor to whom he is articled ceases to practise as a solicitor, or dies, or his articles are cancelled by mutual consent, or discharged by the High Court, the clerk may be bound by fresh articles to another practising solicitor for the residue of the said term and service under those articles in accordance with the provisions of this Part of this Act shall be good service.

(2) The foregoing provisions of this Part of this Act with respect to the registration of articles shall apply to fresh articles entered into in accordance with the provisions of this section.

Examinations.

PART II. —*cont.*

Examinations to be held under management of Law Society.

26.—(1) The Law Society shall hold at least three times in every year a preliminary examination, an intermediate examination and a final examination.

(2) Subject to the provisions of this Act, the Society shall have the entire management and control of all such examinations and may make regulations with respect to all or any of the following matters, that is to say—

(*a*) the subjects for, and the mode of conducting, the examination of candidates;

(*b*) the times and places of examinations and notices thereof;

(*c*) the certificates to be given to persons passing any examination;

(*d*) the appointment and removal of examiners and their remuneration by fees or otherwise; and

(*e*) any other matter as to which the Society deem it expedient to make regulations for the purposes of this section.

(3) The Society shall conduct the examinations independently of any school of law, and no members of the teaching staff of any school of law provided by the Society shall take any part in any such examination.

(4) Copies of all regulations made under this section shall be transmitted forthwith to the Master of the Rolls, the Lord Chancellor and the Lord Chief Justice, and if within twenty-eight days after a copy of any such regulation has been so transmitted, any two of those judges (the Master of the Rolls being one) signify by writing under their hands addressed to the President, Vice-President or Secretary of the Society their dissent from that regulation, or any part thereof, that regulation, so far as dissented from, shall be of no effect.

(5) If after any such regulation or any part thereof has come into force any two of the judges abovementioned (the Master of the Rolls being one) signify in manner aforesaid their dissent from that regulation, or any part thereof, that regulation, so far as dissented from, shall on the expiration of two months cease to have effect.

Part II. —*cont.*

Fees in respect of examinations.

27.—(1) Any person applying to be examined or re-examined at a preliminary, intermediate or final examination shall pay to the Society in respect of those examinations such fees, and in such proportions and at such times, as may from time to time be determined by regulations made by the Master of the Rolls with the concurrence of the Lord Chancellor and the Lord Chief Justice or (in case of difference) of one of them.

(2) All fees paid under this section shall be applied by the Society towards the expenses from time to time incurred by them in connection with examinations and the lectures, classes and other teaching provided by them for persons articled, or about to become articled.

General exemptions from preliminary examination.

28.—(1) Every person shall be exempted from the preliminary examination who—

(*a*) has taken a degree, not being an honorary degree, in arts or law at any University specified in the Second Schedule to this Act; or

(*b*) has passed the examination in Responsions at Oxford, or the previous examination at Cambridge, or the matriculation or other corresponding examination at any other University specified in the said schedule, or any examination accepted by any such University as exempting from those examinations; or

(*c*) has been called to the Bar in England; or

(*d*) had before the fourth day of August, nineteen hundred and twenty-seven, passed any of the examinations referred to in section ten of the Solicitors Act, 1877 (as amended by any other enactment) or in any regulations made under that section.

40 & 41 Vict. c. 25.

(2) Any dispute whether an examination is for the purposes of this section an examination corresponding to a matriculation examination, shall be decided by the Board of Education.

(3) The Board of Education, after consultation with the Law Society, and with the concurrence of the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls, or any two of them, may by regulations add to the examinations the passing of which exempts from

the preliminary examination and prescribe, if it appears necessary, the conditions and standards to be complied with in connection with any examination so added, and on the making of any such regulation this section shall have effect accordingly.

(4) As respects Universities and examinations in Scotland, the powers conferred by this section on the Board of Education shall be exercisable by the Scottish Education Department.

Special exemptions from preliminary examination.

29. The Master of the Rolls or the Lord Chief Justice may in special circumstances exempt any person from the preliminary examination, or any part thereof, either unconditionally or subject to such conditions as he may think fit.

Exemptions from intermediate examination.

30. The Society may by regulations made under section twenty-six of this Act exempt from the intermediate examination, or any part thereof, any person who has obtained—

(*a*) the degree of Bachelor of Civil Law, or of Laws, or of Law, or a certificate of having passed the examination required for any such degree, at any University in the United Kingdom; or

(*b*) any such other degree or distinction in any school or faculty of law or jurisprudence at any University in the United Kingdom as may be specified in the regulations.

Date for admission to final examination.

31. A person who has entered into articles for the required term and has duly served thereunder and complied with the provisions of this Part of this Act may present himself for final examination at the examination next preceding the expiration of the term of his articles or at any subsequent examination.

Conditions of admission to final examination.

32.—(1) Subject as hereinafter provided, a person articled to a solicitor after the thirty-first day of December, nineteen hundred and twenty-two shall not be admitted to the final examination unless he satisfies the Society that he has during a period of one year, such period being continuous or subject to such intervals as the Society may think reasonable, complied with the requirements of the Society as to attendance at a course

PART II. —*cont.*

of legal education at a law school provided or approved by the Society:

Provided that—

(*a*) the Society, if satisfied that the attendance of any person at such a course of education was, for geographical or other reasons, impracticable shall exempt him wholly or partly from the provisions of this section; and

(*b*) any person may appeal to the Master of the Rolls, in accordance with rules made by him, against the refusal of the Society to exempt him from the provisions of this section, or to approve any law school for the purposes of this section, and the decision of the Master of the Rolls shall be final and binding on the Society; and

(*c*) the provisions of this section shall not apply to any person who—

(i) proves to the satisfaction of the Society, or on appeal to the satisfaction of the Master of the Rolls, that he has taken a degree at any university specified in the Second Schedule to this Act after passing thereat a final examination in law; or

(ii) applies to be admitted to the final examination after duly serving as clerk to a solicitor for ten years and thereafter as an articled clerk for the required term.

(2) The Society shall supply a list of law schools provided or approved by them for the time being to any person who applies therefor and to every articled clerk as soon as may be after his articles are registered.

Appeal to Master of the Rolls in cases of failure to pass intermediate or final examination.

33.—(1) Any candidate at an intermediate or a final examination who either on account of the nature or difficulty of the questions put to him by the examiners, or on any other ground whatsoever, objects to the refusal to him of a certificate of his having passed that examination may within one month after the refusal appeal to the Master of the Rolls by petition presented in such manner and subject to such regulations as the Master of the Rolls may from time to time direct.

(2) Upon the hearing of any petition presented to him under this section, the Master of the Rolls may make such order as he thinks fit, and where he orders the admission of a petitioner to whom a certificate of having passed a final examination has been refused, such order shall entitle the petitioner to receive from the Society the like certificate as he would have received if he had passed the final examination.

Special Exemptions from Articled Service and certain Examinations.

Exemption of certain barristers from service under articles and intermediate examination.

34. Any barrister of not less than five years standing at the English bar who procures himself to be disbarred with a view to becoming a solicitor and obtains from two benchers of the Inn of Court to which he belongs, or belonged, a certificate of his being a fit and proper person to practise as a solicitor shall be exempted from service under articles and from the intermediate examination and from such part of the final examination as relates to articles and service thereunder.

Privileges of certain colonial solicitors.

35.—(1) A solicitor of a superior court in a British possession to which this section applies who has been in practice before such court for not less than three years may—

(*a*) on giving due notice and the prescribed proof of his qualifications and good character; and

(*b*) on passing the prescribed examination or, in the prescribed cases, without examination; and

(*c*) after service under articles during the prescribed period or, in the prescribed cases, without such service;

be admitted as a solicitor upon payment of the prescribed amount in respect of stamp duties and fees.

(2) Where as respects a superior court in a British possession, His Majesty in Council is satisfied on the report of a Secretary of State—

(*a*) that the regulations respecting the admission of solicitors of that court are such as to secure that those solicitors possess proper qualifications and competency; and

PART II. —*cont.*

(*b*) that by the law of that possession solicitors of the Supreme Court will be admitted as solicitors of the superior court in that possession on terms as favourable as those on which it is proposed to admit solicitors of that superior court in pursuance of this section as solicitors of the Supreme Court;

His Majesty may by Order in Council apply this section to the said superior court and British possession subject to any exceptions, conditions and modifications specified in the Order, and by the same or any subsequent Order in Council may, as respects that court and possession, provide for all matters authorised by this section to be prescribed and for all matters appearing to His Majesty to be necessary or proper for giving effect to the Order and to this Act.

(3) His Majesty may by Order in Council revoke or vary any Order previously made under this section.

(4) In this section, the expressions "superior court" and "solicitor" mean respectively, as respects any British possession, such court in the possession and such solicitor, attorney, law agent or other person entitled to practise as agent in a court of law in that possession as may be prescribed; and for the purpose of this section a part of a British possession under a local legislature may be treated as a British possession.

(5) An Order in Council applying this section to a court in a British possession and providing for the admission of solicitors of that court as solicitors in England, and an Order in Council applying the Colonial Solicitors Act, 1900, to the same court and providing for the admission of solicitors of that court as law agents in Scotland may, if it be convenient, be made together as one Order.

63 & 64 Vict. c. 14.

(6) A person admitted under the Colonial Solicitors Act, 1900, whether before or after the commencement of this Act, as a law agent in Scotland or as a solicitor in Northern Ireland, shall not, whilst remaining a law agent in Scotland or a solicitor in Northern Ireland as the case may be, be admitted under this section as a solicitor in England, and for the purposes of this provision a person who before the first day of October, nineteen hundred and twenty-one, was admitted under the Colonial Solicitors Act, 1900, as a solicitor in Ireland shall be

deemed to have been admitted under that Act as a solicitor in Northern Ireland.

(7) For the purposes of subsection (2) of section six of the Colonial Solicitors Act, 1900, a person admitted as a solicitor in England under this section shall be deemed to have been so admitted under that Act.

PART III.

PRACTISING CERTIFICATES.

Registrar to issue practising certificates.

36. It shall be the duty of the registrar to issue in accordance with the provisions of this Part of this Act certificates (in this Act referred to as "practising certificates") authorising the solicitors named therein to practise as solicitors subject to their certificates being duly stamped.

Applications for practising certificate.

37.—(1) Every solicitor applying for a practising certificate shall, in person or by his agent,—

(*a*) deliver to the registrar a written declaration, in the form set out in the Third Schedule to this Act or in a form to the like effect, stating the name and place of business of the applicant and the date of his admission and signed by the applicant or his partner or, if the place of business of the applicant is more than twenty miles from London, by his London agent on his behalf; and

(*b*) at the same time produce to the registrar a duly signed duplicate of the declaration.

(2) The registrar shall cause all the particulars contained in a declaration to be entered in a register kept for that purpose, and any person may inspect such register during office hours without payment.

(3) Subject to the provisions of the next succeeding section, the registrar, if satisfied that the name of the applicant is on the roll, shall, after the expiration of six days from the delivery to him of the declaration, deliver to the applicant or his agent upon demand a practising certificate in the form set out in the Third Schedule to this Act or in a form to the like effect.

(4) If in any case, not being a case to which the next succeeding section applies, the registrar on application duly made to him refuses or neglects to issue a

Part III. —*cont.*

practising certificate, the applicant may apply to the High Court or any judge thereof or the Master of the Rolls who may make such order in the matter, including an order for payment of costs by or to either the registrar or the applicant, as shall be just.

(5) There shall be paid to the registrar in respect of every practising certificate issued by him a fee of one pound, or such less fee as the Master of the Rolls with the concurrence of the Lord Chancellor and the Lord Chief Justice, or (in case of difference) of one of them, may from time to time by order determine.

(6) Out of every fee received by the registrar under this section five shillings may be applied by him to his own use and the remainder shall be applied in such manner as the Society may think fit towards the expenses of their school in London and the making of grants to approved law schools elsewhere, and the registrar shall submit annually to the judges mentioned in the last preceding subsection an account of all such fees and of their application, and shall cause a copy of the account to be deposited at the hall of the Society for inspection by any solicitor.

Discretion of registrar to refuse certificate in special cases.

mended by
Administration
Justice Act
932, s. 5.

38. In any of the following cases, that is to say, where a solicitor—

(*a*) applies for a practising certificate, having neglected so to do for twelve months after the expiration of the last certificate issued to him; or

(*b*) applies for a practising certificate whilst he is an undischarged bankrupt; or

(*c*) having been suspended from practice or struck off the roll, first applies for a practising certificate after the expiration of his suspension or after his re-admission to the roll, as the case may be,

he must, unless the registrar or the Master of the Rolls otherwise orders, give to the registrar, at least six weeks before the application is made, notice of his intention to make the application, and the registrar may in his discretion refuse the application, subject, however, to an appeal to the Master of the Rolls, who may affirm the decision of the registrar or may direct him to issue a certificate to the applicant on such terms and conditions, if any, as the Master of the Rolls may think fit.

Stamping of practising certificates.

39. The Commissioners of Inland Revenue, upon delivery to them of a practising certificate together with the amount of the duty payable in respect thereof and the duplicate declaration produced to the registrar upon the application therefor, shall stamp the certificate and, after certifying thereon the date on which the duty was, or is deemed for the purposes of this Act to have been, paid, shall return it to the applicant or his agent.

Entry on roll of date of stamping certificate.

40. It shall be the duty of the registrar to enter upon the roll a note of the date on which the stamp duty on the practising certificate issued to any solicitor was, or is deemed for the purposes of this Act to have been, paid, and for the purpose of enabling the registrar to enter the note the following provisions of this section shall have effect:—

(i) upon the request of the registrar made at any time after the fifteenth day of February in any year, the Commissioners of Inland Revenue shall at their option either—

(*a*) transmit to the registrar an account of the certificates issued between the fifteenth day of November and the second day of January next preceding and stamped during that period, specifying the names and places of business of the solicitors to whom they were issued and the dates on which the stamp duties thereon were, or are deemed to have been paid; or

(*b*) return to the registrar the duplicate declarations relating to all such certificates as aforesaid with a memorandum on each declaration specifying the date on which the duty was, or is deemed to have been, paid; and

(ii) every certificate, not being a certificate to which the preceding paragraph applies, shall, within a month after the stamping thereof, be produced to the registrar who, after making the required entry on the roll, shall make on the certificate a memorandum of the entry having been made.

PART III. —*cont.*

Date and period of validity of practising certificates.

41.—(1) Every practising certificate issued between the fifteenth day of November and the sixteenth day of December in any year shall bear the date of the sixteenth day of November in that year and every other practising certificate shall bear the date of the day on which it is issued.

(2) Every practising certificate issued between the fifteenth day of November and the sixteenth day of December in any year, and stamped before the said sixteenth day of December, shall have effect for all purposes from the sixteenth day of November in that year and that date shall for the purposes of this Act, be deemed to be the date of the payment of the duty thereon.

(3) Every practising certificate, not being a certificate to which the last preceding subsection applies, shall, subject as hereinafter provided, take effect on the day on which it is stamped:

Provided that a certificate which is required by subparagraph (ii) of the last preceding section to be produced to the registrar and is not so produced within one month after the stamping thereof shall take effect only on the date on which it is so produced, unless the Master of the Rolls directs that it shall take effect from the date of the stamping thereof or from some subsequent date.

(4) Every certificate shall continue in force from the day from or on which it has or takes effect in accordance with this section until the fifteenth day of November next following (both days inclusive) and shall then expire.

Law list to be prima facie evidence of solicitor holding certificate.

42.—(1) Any list purporting to be published by authority of the Commissioners of Inland Revenue and to contain the names of solicitors and conveyancers who have obtained stamped practising certificates for the current year before the second day of January in that year shall, until the contrary is proved, be evidence that the persons named therein as solicitors holding such certificates as aforesaid for the current year are solicitors holding such certificates.

(2) The absence from such list of the name of any person shall, until the contrary is proved, be evidence

that that person is not qualified to practise as a solicitor under a certificate for the current year, but in the case of any such person an extract from the roll certified as correct by the registrar shall be evidence of the facts appearing in the extract.

Part III. —*cont.*

Part IV.

Privileges, Restrictions and Offences in connection with Practice.

Qualifications for practising as solicitor.

43. No person shall be qualified to act as a solicitor unless his name is on the roll and he has in force a duly stamped practising certificate, and a person who is not so qualified is in this Part of this Act referred to as an "unqualified person."

Rights of practising and rights of audience.

44.—(1) Every person so qualified as aforesaid may practise as a solicitor—

(i) in the Supreme Court; and

(ii) upon signing the roll of Solicitors of any inferior court of law or equity which keeps such a roll (but without payment of any fee), in that court; and

(iii) in all courts and before all persons having jurisdiction in matters ecclesiastical; and

(iv) in all matters relating to applications to obtain notarial faculties,

and shall be entitled to all the rights and privileges, and may exercise and perform all the powers and duties, formerly appertaining to the office or profession of a proctor in the provincial, diocesan, or other jurisdictions in England:

Provided that nothing in this Act shall affect the provisions of section one hundred and twenty of the Supreme Court of Judicature (Consolidation) Act, 1925, or section forty-one or section seventy-two of the County Courts Act, 1888, or any other enactment in force at the commencement of this Act and restricting the right of any solicitor to practise as such in any court.

15 & 16 Geo. 5. c. 49.
51 & 52 Vict. c. 43.

(2) Nothing in this Act shall prejudice or affect any right of practising or being heard in, before or by any

Part IV. —*cont.*

court, tribunal or other body which immediately before the commencement of this Act was enjoyed by virtue of any enactment, rule, order or regulation or by custom or otherwise by persons qualified to act as solicitors.

Unqualified person not to act as solicitor.

45.—(1) No unqualified person shall act as a solicitor, or as such sue out any writ or process, or commence, carry on or defend any action, suit or other proceeding, in the name of any other person or in his own name, in any court of civil or criminal jurisdiction, or act as a solicitor in any cause or matter, civil or criminal, to be heard or determined before any court of assize, any general or quarter sessions, any justice or justices, or any commissioners of His Majesty's revenue.

(2) If any person contravenes the provisions of this section, he shall be guilty of a misdemeanour and of contempt of the court in which the action, suit, cause, matter or proceeding in relation to which he so acts is brought or taken and may be punished accordingly, and shall be incapable of maintaining any action for any costs in respect of anything done by him in the course of so acting, and shall, in addition to any other penalty or forfeiture and any disability to which he may be subject, be liable for each such offence to a penalty of fifty pounds to be recovered, with full costs of action, by action brought in the High Court, or in any County Court, by the Society with the sanction of the Attorney-General, and to be applied to the use of His Majesty.

Penalty for pretending to be a solicitor.

46. Any person, not having in force a practising certificate, who wilfully pretends to be, or takes or uses any name, title, addition or description implying that he is, qualified or recognised by law as qualified to act as a solicitor, shall be liable on summary conviction to a penalty not exceeding ten pounds for each such offence.

Penalty on unqualified practitioner preparing certain instruments.

47.—(1) Any person, not being a barrister, or a duly certificated solicitor, law agent, writer to the signet, notary public, conveyancer, special pleader, or draftsman in equity, who, for or in expectation of any fee, gain or reward, either directly or indirectly, draws or prepares any instrument relating to real or personal estate, or any legal proceeding, shall be liable on summary conviction to a fine not exceeding fifty pounds.

(2) Notwithstanding anything in the Summary Jurisdiction Acts, proceedings in respect of any offence under this section may be brought at any time within two years next after the commission of the offence or within six months next after the first discovery thereof by the prosecutor, whichever period is the shorter.

(3) This section shall not extend to—

(*a*) any public officer drawing or preparing instruments in the course of his duty; or

(*b*) any person employed merely to engross any instrument or proceeding.

(4) For the purposes of this section, the expression "instrument" does not include—

(*a*) a will or other testamentary instrument; or

(*b*) an agreement under hand only; or

(*c*) a letter or power of attorney; or

(*d*) a transfer of stock containing no trust or limitation thereof.

Penalty on unqualified practitioner preparing certain documents for purposes of Land Registration Act, 1925.

48. Any person, not being a barrister or a duly certificated solicitor, notary public or conveyancer, who, for or in expectation of any fee, gain or reward, either directly or indirectly, draws or prepares any instrument of transfer or charge for the purposes of the Land Registration Act, 1925, or makes any application or lodges any document for registration under that Act at the registry, shall on summary conviction be liable to a fine not exceeding fifty pounds:

15 & 16 Geo. 5. c. 21.

Provided that this section shall not extend to—

(*a*) any public officer drawing or preparing instruments and applications in the course of his duty; or

(*b*) any person employed merely to engross any instrument or application.

Penalty on unqualified practitioner acting in preparation of papers for probate, &c.

49. Any person, not being a barrister, or a duly certificated solicitor, notary public, conveyancer, special pleader, or draftsman in equity, who for or in expectation of any fee, gain or reward, either directly or as an agent of any other person, whether a person qualified as above mentioned or not, takes instructions for or draws or

PART IV. —*cont.*

prepares any papers on which to found or oppose a grant of probate or of letters of administration shall, without prejudice to any liability or disability to which he may be subject under any other section of this Act or under any other Act, be liable on summary conviction to a penalty not exceeding ten pounds for each such offence.

No costs recoverable where unqualified person acts as solicitor.

50. No costs in respect of anything done by any person who acts as a solicitor at a time when he has not in force a practising certificate shall be recoverable in any action, suit, or matter by any person whomsoever.

Solicitor not to act as agent for unqualified person.

51.—(1) No solicitor shall wilfully and knowingly act as agent in any action, or in any matter in bankruptcy for any unqualified person, or permit his name to be made use of in any such action, or matter upon the account, or for the profit, of any unqualified person, or send any process to any unqualified person, or do any other act enabling any unqualified person to appear, act or practise in any respect as a solicitor in any such action or matter.

(2) Where it appears to the disciplinary committee or, as the case may be, to the High Court, that a solicitor has acted in contravention of this section, his name shall be struck off the roll.

(3) Where the High Court order the name of a solicitor to be struck off the roll in respect of an offence under this section, they may further order that the unqualified person who was enabled by the conduct of the offender to act or practise as a solicitor shall be imprisoned for any period not exceeding one year.

Employment by solicitor of persons struck off the roll or suspended.

52.—(1) No solicitor shall, in connection with his practice as a solicitor, without the written permission of the Law Society, which may be given for such period and subject to such conditions as the Society think fit, employ or remunerate any person who to his knowledge is disqualified from practising as a solicitor by reason of the fact that his name has been struck off the roll, otherwise than at his own request, or is suspended from practising as a solicitor.

(2) A solicitor aggrieved by the refusal of the Society to grant any such permission as aforesaid, or by any conditions attached by the Society to the grant

thereof, may appeal to the Master of the Rolls, who may confirm the refusal or the conditions, as the case may be, or may, in lieu of the Society, grant such permission for such period and subject to such conditions as he thinks fit.

(3) If any solicitor acts in contravention of the provisions of this section or of the conditions subject to which any permission has been given thereunder, his name shall be struck off the roll or he shall be suspended from practice for such period as the disciplinary committee, or the High Court, think fit.

Solicitors not to commence or defend actions whilst in prison.

53.—(1) No solicitor whilst a prisoner in any prison shall as a solicitor, in his own name or in the name of any other solicitor, sue out any writ or process, or commence, prosecute or defend any action or any matter in bankruptcy.

(2) Any solicitor commencing, prosecuting or defending any such action or matter in contravention of this section shall be incapable of maintaining any action for the recovery of any costs in respect of any business done by him whilst so confined as aforesaid, and he and any solicitor permitting him to commence, prosecute or defend any such action or matter in his name, shall be guilty of contempt of the court in which such action or matter was commenced or prosecuted and may be punished accordingly.

Solicitor justices in counties.

54. It shall not be lawful for any solicitor who is a justice of the peace for any county, riding or division of a county, nor, subject as hereinafter provided, for any partner of his, to practise directly or indirectly before any justices for that county, riding or division, or for any borough within that county, riding or division:

Provided that, in the case of a solicitor who is a justice of the peace for the county of London by virtue only of his office as mayor of a metropolitan borough, nothing in this section shall disqualify any partner of his for practising as a solicitor before any justices of the said county.

Penalty on failure to disclose fact of having

55.—(1) Any person who, whilst he is disqualified from practising as a solicitor by reason of the fact that he has been struck off the roll otherwise than at his own request or is suspended from practising as a solicitor

PART IV. —*cont.*

been struck off, &c.

seeks or accepts employment by a solicitor in connection with that solicitor's practice without previously informing him that he is so disqualified as aforesaid, shall on summary conviction be liable for each offence to a fine not exceeding ten pounds.

(2) Notwithstanding anything in the Summary Jurisdiction Acts, proceedings under this section may be commenced at any time before the expiration of six months after the first discovery of the offence by the prosecutor, but no such proceedings shall be commenced except by, or with the consent of, the Attorney-General.

PART V.

REMUNERATION OF SOLICITORS.

Non-contentious Business.

Power to make general orders as to remuneration of solicitors in non-contentious business.

56.—(1) For the purposes of this section there shall be a committee consisting of the following persons—

(i) The Lord Chancellor;

(ii) The Lord Chief Justice;

(iii) The Master of the Rolls;

(iv) The President of the Society;

(v) A solicitor, being the president of a provincial law society, nominated by the Lord Chancellor to serve on the committee during his tenure of office as president; and

(vi) Subject to the provisions of the next succeeding subsection, the Chief Land Registrar appointed under the Land Registration Act, 1925.

(2) The committee or any three of them (the Lord Chancellor being one) may make general orders prescribing and regulating in such manner as they think fit the remuneration of solicitors in respect of non-contentious business and may revoke or alter any such order:

Provided that the Chief Land Registrar shall be deemed to be a member of the committee for the purpose only of prescribing and regulating the remuneration of solicitors in respect of business under the Land Registration Act, 1925.

PART V. —*cont.*

(3) One month at least before any such order is made, the Lord Chancellor shall cause a draft thereof to be sent to the Council, and the committee shall, before making the order, consider any observations in writing submitted to them by the Council within the said month, and may then make the order, either in the form of the draft or with such alterations or additions as they may think fit.

(4) An order under this section shall not take effect until one month after it has been laid before each House of Parliament, and if within that month an address is presented to His Majesty by either House seeking the disallowance of the order, in whole or in part, His Majesty may, by Order in Council, disallow the order in whole or in part, as the case may be, and the order, so far as disallowed, shall not take effect.

(5) An order under this section may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or percentage, varying or not in different classes of business, or by a gross sum, or by a fixed sum for each document prepared or perused, without regard to length, or in any other mode, or partly in one mode and partly in another, and may regulate the amount of remuneration with reference to all or any of the following, among other, considerations, that is to say—

(i) the position of the party for whom the solicitor is concerned in the business, that is, whether as vendor, or purchaser, lessor or lessee, mortgagor or mortgagee, and the like;

(ii) the place where, and the circumstances in which, the business or any part thereof is transacted;

(iii) the amount of the capital money or rent to which the business relates;

(iv) the skill, labour and responsibility involved therein on the part of the solicitor;

(v) the number and importance of the documents prepared or perused, without regard to length;

Part V. —*cont.*

(6) An order under this section may authorise and regulate—

(*a*) the taking by a solicitor from his client of security for payment of any remuneration, to be ascertained by taxation or otherwise, which may become due to him under any such order; and

(*b*) the allowance of interest.

(7) As long as any order under this section is in operation, the taxation of bills of costs of solicitors shall, subject to the provisions of the next succeeding section with respect to agreements as to remuneration, be regulated by that order.

(8) In this section, the expression " provincial law society " means any body of solicitors in England, other than the Society, incorporated by Royal Charter or under any enactment relating to companies, and in this and the next succeeding section the expression " client " includes any person who, as a principal or on behalf of another, or as a trustee or executor, or in any other capacity, has power, express or implied, to retain or employ, and retains or employs, or is about to retain or employ, a solicitor, and any person for the time being liable to pay to a solicitor for his services any costs.

Agreements with respect to remuneration for non-contentious business.

57.—(1) Whether or not any order is in force under the last preceding section, a solicitor and his client may, either before or after or in the course of the transaction of any non-contentious business by the solicitor, make an agreement as to the remuneration of the solicitor in respect thereof.

(2) The agreement may provide for the remuneration of the solicitor by a gross sum, or by commission or percentage, or by salary, or otherwise, and it may be made on the terms that the amount of the remuneration therein stipulated for either shall or shall not include all or any disbursements made by the solicitor in respect of searches, plans, travelling, stamps, fees or other matters.

(3) The agreement shall be in writing and signed by the person to be bound thereby or his agent in that behalf.

(4) The agreement may be sued and recovered on or set aside in the like manner and on the like grounds as

an agreement not relating to the remuneration of a solicitor:

Provided that if on any taxation of costs the agreement is relied on by the solicitor and objected to by the client as unfair or unreasonable, the taxing officer may enquire into the facts and certify them to the court and if on that certificate it appears just to the court that the agreement should be cancelled, or the amount payable thereunder reduced, the court may order the agreement to be cancelled, or the amount payable thereunder to be reduced, and may give such consequential directions as they think fit.

Remuneration of a solicitor who is a mortgagee.

58.—(1) If a mortgage is made to a solicitor, either alone or jointly with any other person, he, or the firm of which he is a member, shall be entitled to recover from the mortgagor in respect of all business transacted and acts done by him or them in negotiating the loan, deducing and investigating the title to the property, and preparing and completing the mortgage, such usual costs as he or they would have been entitled to receive if the mortgage had been made to a person who was not a solicitor and that person had retained and employed him or them to transact the said business and do the said acts.

(2) If, whether before or after the commencement of this Act, a mortgage has been made to, or has become vested by transfer or transmission in, a solicitor, either alone or jointly with any other person, and if after the commencement of this Act any business is transacted or acts are done by that solicitor, or by the firm of which he is a member, in relation to that mortgage, or the security thereby created or the property comprised thereunder, then he or they shall be entitled to recover from the person on whose behalf the business was transacted or the acts were done, and to charge against the security, such usual costs as he or they would have been entitled to receive if the mortgage had been made to and had remained vested in a person who was not a solicitor and that person had retained and employed him or them to transact the said business and do the said acts.

(3) In this section the expression "mortgage" includes any charge on any property for securing money or money's worth.

Part V. —*cont.*

Contentious Business.

Power to make agreements as to remuneration for contentious business.

59. A solicitor may make an agreement in writing with his client as to his remuneration in respect of any contentious business done, or to be done, by him providing that he shall be remunerated either by a gross sum, or by salary or otherwise, and at either a greater or a less rate than that at which he would otherwise have been entitled to be remunerated.

Miscellaneous provisions as to agreements with respect to costs of contentious business.

60.—(1) Such an agreement—

(i) shall not affect the amount of, or any rights or remedies for the recovery of, any costs payable by the client to, or to the client by, any person other than the solicitor, and that person may, unless he has otherwise agreed, require any such costs to be taxed according to the rules for the time being in force for the taxation thereof:

Provided that the client shall not be entitled to recover from any other person under any order for the payment of any costs to which the agreement relates more than the amount payable by him to his solicitor in respect thereof under the agreement:

(ii) shall be deemed to exclude any claim by the solicitor in respect of the business to which it relates other than—

(*a*) a claim for the agreed costs; or

(*b*) a claim for such costs as are expressly excepted therefrom.

(2) A provision in such an agreement that the solicitor shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as a solicitor, shall be void.

(3) No action shall be brought upon any such agreement, but the Court may, on the application of any person who is a party to, or the representative of a party to, the agreement, or who is, or who is alleged to be, liable to pay, or who is or claims to be entitled to be paid, the costs due or alleged to be due in respect of the business to which the agreement relates, enforce or set aside the agreement and determine every question as to the validity or effect thereof.

(4) On any such application, the court—

(a) if they are of opinion that the agreement is in all respects fair and reasonable, may enforce it;

(b) if they are of opinion that the agreement is in any respect unfair or unreasonable, may declare it void and may order it to be given up to be cancelled and may order the costs covered thereby to be taxed as if the agreement had never been made;

(c) in any case, may make such orders as to the costs of the application as they think fit.

(5) If the business covered by any such agreement is business done, or to be done, in any action, the amount payable under the agreement shall not be received by the solicitor until the agreement has been examined and allowed by a taxing officer of the court, and if the taxing officer is of opinion that the agreement is unfair or unreasonable, he may require the opinion of the court to be taken thereon and the court may reduce the amount payable thereunder, or order the agreement to be cancelled and the costs covered thereby to be taxed as if the agreement had never been made.

(6) When the amount agreed for under any such agreement has been paid by or on behalf of the client or by any person entitled so to do, the person making the payment may at any time within twelve months after payment apply to the court and the court, if it appears to them that the special circumstances of the case require the agreement to be re-opened, may, on such terms as may be just, re-open the agreement and may order the costs covered thereby to be taxed and the whole or any part of the amount received by the solicitor to be repaid by him.

(7) Where any such agreement is made by the client as the guardian or committee of, or as a trustee under a deed or will for, any person whose property will be chargeable with the whole or any part of the amount payable under the agreement, the agreement shall, before payment, be laid before the taxing officer of the court, and that officer shall examine the agreement and may disallow any part thereof, or may require the opinion of the court to be taken thereon.

Part V. —*cont.*

(8) Any such client as is mentioned in the last preceding subsection who pays the whole or any part of the amount payable under the agreement without the agreement having been allowed by the officer or by the court, shall be liable at any time to account to the person whose property is charged with the whole or any part of the amount so paid for the sum so charged, and the solicitor who accepts the payment may be ordered by the court to refund the amount received by him.

(9) In this and the next succeeding section the expression "court" means—

(i) in relation to an agreement under which any business has been done in any court having jurisdiction to enforce and set aside agreements, any such court in which any of that business has been done;

(ii) in relation to an agreement under which no business has been done in any such court, and under which more than fifty pounds is payable, the High Court;

(iii) in relation to an agreement under which no business has been done in any such court and under which not more than fifty pounds is payable, the judge of any county court which would, but for the provisions of this section prohibiting the bringing of an action on the agreement, have had jurisdiction in an action thereon.

Death, incapability, or change of solicitor, &c.

61.—(1) If, after some business has been done under an agreement made in pursuance of the provisions of section fifty-nine of this Act but before the solicitor has wholly performed it, the solicitor dies or becomes incapable of acting, then any party to, or the representative of any party to, the agreement, may apply to the court and the court shall have the same jurisdiction as to enforcing the agreement so far as it has been performed, or setting it aside, as they would have had if the solicitor had not died or become incapable of acting:

Provided that the court may, notwithstanding that they are of opinion that the agreement is in all respects fair and reasonable, order the amount due in respect of the business done thereunder to be ascertained by taxation, and in that case—

(*a*) the taxing officer, in ascertaining that amount, shall have regard so far as may be to the terms of the agreement; and

(*b*) payment of the amount found by him to be due may be enforced in the same manner as if the agreement had been completely performed.

(2) The provisions of the last preceding subsection shall apply in the event of the client changing his solicitor (as, notwithstanding the agreement, he shall be entitled to do) before the conclusion of the business to which the agreement relates in the same manner as they apply when the solicitor dies or is incapacitated, with this modification, that if an order is made for the taxation of the amount due to the solicitor in respect of the business done under the agreement, the court shall direct the taxing officer to have regard to the circumstances under which the change of solicitor has taken place, and the taxing officer, unless he is of opinion that there has been no default, negligence, improper delay or other conduct on the part of the solicitor affording to the client reasonable ground for changing his solicitor, shall not allow to the solicitor the full amount of the remuneration agreed to be paid to him.

Agreement excludes taxation.

62. Subject to the provisions of the two last preceding sections, the costs of a solicitor in any case where an agreement has been made in pursuance of the provisions of section fifty-nine of this Act shall not be subject to taxation, nor to the subsequent provisions of this Part of this Act with respect to the signing and delivery of a solicitor's bill.

Miscellaneous provisions as to remuneration for contentious business.

63.—(1) Nothing in the four last preceding sections of this Act shall give validity to—

(i) any purchase by a solicitor of the interest, or any part of the interest, of his client in any action, suit or other contentious proceeding; or

(ii) any agreement by which a solicitor retained or employed to prosecute any action, suit or other contentious proceeding stipulates for payment only in the event of success in that action, suit or proceeding; or

Part V. —*cont.*

(iii) any disposition, contract, settlement, conveyance, delivery, dealing or transfer which is under the law relating to bankruptcy invalid against a trustee or creditor in any bankruptcy or composition.

(2) A solicitor may, with respect to any contentious business to be done by him, take security from his client for his costs to be ascertained by taxation or otherwise.

(3) Subject to the provisions of any rules of court, upon every taxation of costs with respect to any contentious business, the taxing officer may—

(i) allow interest at such rate and from such time as he thinks just on moneys disbursed by the solicitor for the client, and on moneys of the client in the hands of, and improperly retained by, the solicitor;

(ii) in determining the remuneration of the solicitor, have regard to the skill, labour and responsibility involved in the business done by him.

General Provisions as to Remuneration.

Power of the High Court to order a solicitor to deliver his bill and to deliver up deeds.

64.—(1) The jurisdiction of the High Court to make orders for the delivery by a solicitor of a bill of costs and for the delivery up of, or otherwise in relation to, any deeds, documents or papers in his possession, custody or power, is hereby declared to extend to cases in which no business has been done by him in the High Court.

(2) In this and the three next succeeding sections the expression " solicitor " includes the executors, administrators and assignees of the solicitor in question.

Action to recover solicitors' costs.

65.—(1) Subject to the provisions of this Act, no action shall be brought to recover any costs due to a solicitor until one month after a bill thereof has been delivered in accordance with the requirements of this section :

Provided that, if there is probable cause for believing that the party chargeable with the costs is about to quit England, or to become a bankrupt, or to compound with his creditors, or to do any other act which would tend to prevent or delay the solicitor obtaining payment, the High Court may, notwithstanding that one month has not expired from the delivery of the bill, order that the solicitor be at liberty to commence an action to recover his costs and may order those costs to be taxed.

(2) The said requirements are as follows :—

(i) The bill must be signed by the solicitor, or, if the costs are due to a firm, one of the partners of that firm, either in his own name or in the name of the firm, or be enclosed in, or accompanied by, a letter which is so signed and refers to the bill, and

(ii) The bill must be delivered to the party to be charged therewith, either personally or by being sent to him by post to, or left for him at, his place of business, dwelling house, or last known place of abode;

and where a bill is proved to have been delivered in compliance with those requirements, it shall not be necessary in the first instance for the solicitor to prove the contents of the bill, and it shall be presumed, until the contrary is shown, to be a bill bonâ fide complying with this Act.

Taxation of bills on the application of the party chargeable or the solicitor.

66.—(1) On the application, made within one month of the delivery of a solicitor's bill, of the party chargeable therewith, the High Court shall, without requiring any sum to be paid into court, order that the bill shall be taxed and that no action shall be commenced thereon until the taxation is completed.

(2) If no such application is made within the period mentioned in the last preceding subsection, then, on the application either of the solicitor, or of the party chargeable with the bill, the court may, upon such terms, if any, as they think fit (not being terms as to the costs of the taxation), order—

(*a*) that the bill shall be taxed;

(*b*) that, until the taxation is completed, no action shall be commenced on the bill, and any action already commenced be stayed:

Provided that—

(i) if twelve months have expired from the delivery of the bill, or if the bill has been paid, or if a verdict has been obtained or a writ of inquiry executed in an action for the recovery of the costs covered thereby, no order shall

Part V. —*cont.*

be made on the application of the party chargeable with the bill except in special circumstances and, if an order is made, it may contain such terms as regards the costs of the taxation as the Court may think fit:

(ii) in no event shall any such order be made after the expiration of twelve months from the payment of the bill.

(3) Every order for the taxation of a bill shall require the taxing officer to tax not only the bill but also the costs of the taxation and to certify what is due to or by the solicitor in respect of the bill and in respect of the costs of the taxation.

(4) If after due notice of any taxation, either party thereto fails to attend, the officer may proceed with the taxation *ex parte*.

(5) Unless—

(i) the order for taxation was made on the application of the solicitor and the party chargeable does not attend the taxation; or

(ii) the order for taxation otherwise provides,

the costs of the taxation shall be paid according to the event of the taxation, that is to say, if one-sixth of the amount of the bill is taxed off, the solicitor shall pay the costs, but otherwise the party chargeable shall pay the costs:

Provided that the taxing officer may certify any special circumstances relating to the bill or the taxation thereof to the court, and the court may make thereon any such order as they think fit respecting the payment of the costs of the taxation.

Taxation on application of third parties and beneficiaries under trusts, &c.

67.—(1) Where a person other than the person who is the party chargeable with the bill for the purposes of the last preceding section, has paid, or is, or was, liable to pay, the bill either to the solicitor or to the party chargeable with the bill, that person or his administrators, executors or assignees may apply to the court for an order for the taxation of the bill as if he were the party chargeable therewith, and the court may make thereon the same order, if any, as they might have made if the application had been made by that party:

Provided that in cases where the court have no power to make an order except in special circumstances the court may, in considering whether there are special circumstances sufficient to justify them in making an order, take into account circumstances affecting the applicant, but which do not affect the party chargeable with the bill.

(2) If a trustee, executor or administrator has become liable to pay the bill of a solicitor, the High Court may, upon the application of any person interested in any property out of which the trustee, executor or administrator has paid, or is entitled to pay, the bill, and upon such terms, if any, as they think fit, order the bill to be taxed, and may order such payments, in respect of the amount found due to or by the solicitor and in respect of the costs of the taxation, to be made to or by the applicant, or to or by the solicitor, or to the executor, administrator or trustee, as they think fit:

Provided that in considering any such application, the court shall have regard to—

- (i) the provisions of the last preceding section as to applications by the party chargeable with the taxation of a solicitor's bill so far as they are capable of being applied to an application made under this subsection;
- (ii) the extent and nature of the interest of the applicant.

(3) If an applicant under the last preceding subsection pays any money to the solicitor, he shall have the same right to be paid that money by the trustee, executor or administrator chargeable with the bill as the solicitor had.

(4) The following provisions shall apply to applications made under this section—

- (i) except in special circumstances no order shall be made for the taxation of a bill which has already been taxed:
- (ii) the court may, if they order taxation of the bill, order the solicitor to deliver to the applicant a copy of the bill upon payment of the costs of that copy.

General provisions as to taxations.

68.—(1) Every application for an order for the taxation of a solicitor's bill or for the delivery of such a bill and the delivering up of any deeds, documents and papers by a solicitor shall be made in the matter of that solicitor.

Part V. —*cont.*

(2) In the course of any taxation, the taxing officer may request the taxing officer of any other court to assist him in taxing any part of the bill, and the taxing officer so requested shall thereupon proceed to tax that part of the bill and shall return the bill with his opinion thereon to the first-named taxing officer.

In any such case the taxing officer who is requested to tax the part of the bill shall have such powers, and may take such fees, in respect thereof as he would have or be entitled to take if he were taxing that part of the bill in pursuance of an order of the court of which he is an officer, and the first-named taxing officer shall not take any fee in respect of that part of the bill.

(3) The certificate of the taxing officer by whom any bill has been taxed shall, unless it is set aside or altered by the court, be final as to the amount of the costs covered thereby, and the court may make such order in relation thereto as they think fit, including, in a case where the retainer is not disputed, an order that judgment be entered for the sum certified to be due with costs.

Charging orders.

69. Any court in which a solicitor has been employed to prosecute or defend any suit, matter or proceeding may at any time declare the solicitor entitled to a charge on the property recovered or preserved through his instrumentality for his taxed costs in reference to that suit, matter or proceeding, and may make such orders for the taxation of the said costs and for raising money to pay, or for paying, the said costs out of the said property as they think fit, and all conveyances and acts done to defeat, or operating to defeat, that charge shall, except in the case of a conveyance to a bonâ fide purchaser for value without notice, be void as against the solicitor:

Provided that no order shall be made if the right to recover the costs is barred by any statute of limitations.

Savings.

70. Nothing in this Part of this Act shall affect the following enactments:—

8 & 9 Vict. c. 124.

(i) Section three of the Leases Act, 1845, (which regulates the taxation of the costs of preparing and executing deeds under that Act);

21 & 22 Vict. c. 108.

(ii) Section thirteen of the Matrimonial Causes Act, 1858, (which provides for the taxation of the costs of matrimonial causes);

Part V. —*cont.*

(iii) Section two hundred and forty-nine of the Public Health Act, 1875, (which provides for the taxation, by the Clerk of the Peace, for the purposes of audit, of any solicitor's bill in respect of business performed on behalf of a local authority); 38 & 39 Vict. c. 55.

(iv) Section one hundred and eighteen of the County Courts Act, 1888, (which provides for the taxation of the costs of proceedings in the County Court);

(v) Any of the provisions of the Costs in the Criminal Cases Act, 1908, (which relates to costs in certain criminal cases); 8 Edw. 7 c. 15.

(vi) Section one hundred and thirty-nine and paragraphs 3 and 4 of the Fourteenth Schedule to the Law of Property Act, 1922, (which contains provisions as to costs in connection with the extinguishment of manorial incidents under that Act); 12 & 13 Geo.5.c.16.

(vii) Section one hundred and forty-four of the Land Registration Act, 1925, (which enables rules to be made regulating, amongst other things, the taxation and incidence of the costs of the registration of land and other matters done under that Act);

(viii) Any other enactment, not expressly repealed by this Act, which authorises the making of rules or orders or the giving of directions with respect to costs, or which provides that any such rule, order or direction made or given under a previous enactment shall continue in force.

PART VI.

MISCELLANEOUS AND GENERAL.

Registration of appointment of solicitor as commissioner for oaths.

71.—(1) Every commission appointing a solicitor to be a commissioner for oaths shall, before being acted upon, be produced to the registrar by or on behalf of the holder, and the registrar shall enter the particulars of every commission so produced to him in a register to be kept for the purpose and shall note upon the commission the fact and date of entry.

(2) Such fees shall be chargeable by the registrar in respect of the registration under this section of any

PART VI. —*cont.*

commission as the Lord Chancellor by order may, with the concurrence of the Lord Chief Justice and the Master of the Rolls, from time to time prescribe.

(3) The register kept in pursuance of this section shall be open to inspection during office hours by any person without payment.

Qualification for holding office of solicitors who have been barristers.

72. For the purposes of any statutory provision or custom whereby the qualification of a solicitor for holding any office depends upon his having been admitted and enrolled for a prescribed period, that period shall, in the case of a solicitor who before admission was a barrister, be reckoned as if he had been admitted and enrolled on the date on which he was called to the Bar.

Regulations.

73. The Master of the Rolls with the concurrence of the Lord Chancellor and the Lord Chief Justice or (in case of difference) of one of them may, for the purposes of the execution of Parts I to III of this Act, make general regulations with respect to the following matters or any of them, that is to say, the admission of a person as a solicitor, articles of clerkship, the issuing of practising certificates and the duties of the registrar with respect to the keeping of the Roll and the issuing of such certificates.

Council of the Law Society to act on behalf of Society.

74. All acts, rules and regulations authorised or required to be done or made by the Law Society under or in pursuance of this Act, or any order, rules and regulations made in pursuance of this Act, may be done or made on behalf of the Society by the Council thereof.

Authentication of regulations and other documents.

75. All regulations, certificates, notices and other documents made or issued by the Law Society for any purpose whatsoever may be signed on behalf of the Society by the Secretary, or by such other officer of the Society as may be from time to time prescribed by the Council.

Power of registrar to inspect file of proceedings in bankruptcy of solicitor.

76. The registrar shall be entitled, without payment of any fee, to inspect the file of proceedings in bankruptcy relating to any solicitor against whom proceedings in bankruptcy have been taken and to be supplied with office copies of the proceedings on payment of the usual charge for such copies.

Saving for solicitors to public departments.

77. Nothing in this Act shall prejudice or affect any rights or privileges of the solicitor to the Treasury or to any other public department (including the Ecclesiastical Commissioners and Queen Anne's Bounty) or to the Duchy of Cornwall, or require any such officer as aforesaid or any clerk or officer appointed to act for him to be admitted or enrolled or to hold a practising certificate in any case where it would not have been necessary for him to be admitted or enrolled or to hold such a certificate if this Act had not been passed.

Saving for solicitor to the City of London.

78. Nothing in this Act shall prejudice or affect any rights or privileges which immediately before the commencement of this Act attached to the office of solicitor of the City of London.

Saving for persons authorised to conduct legal proceedings.

79. Nothing in this Act shall affect any enactment empowering any person, not being a qualified solicitor, to conduct, defend or otherwise act in relation to any legal proceedings.

Saving for jurisdiction of court and judges.

80. Any person duly admitted as a solicitor shall be an officer of the Supreme Court, and shall be subject to the jurisdiction thereof in accordance with the provisions of the Supreme Court of Judicature (Consolidation) Act, 1925.

Interpretation and construction of references.

81.—(1) In this Act, unless the context otherwise requires—

The "Law Society" or the "Society" means the society incorporated and regulated by Royal Charter, dated the twenty-sixth day of February, eighteen hundred and forty-five, and Royal Charters supplemental thereto, dated respectively the twenty-sixth day of November, eighteen hundred and seventy-two, the fourth day of June, nineteen hundred and three, and the second day of June, nineteen hundred and nine;

The "Council" means the Council of the Society elected in accordance with the provisions of the said Charters;

The "Disciplinary Committee" means the Committee appointed under section four of this Act;

"Solicitor" means a solicitor of the Supreme Court;

Part VI. —*cont.*

The "Roll" means the list of solicitors kept in accordance with the provisions of this Act;

"Client" (except in relation to non-contentious business) includes any person who as principal or on behalf of another person retains or employs, or is about to retain or employ, a solicitor, and any person who is or may be liable to pay a solicitor's costs;

"Contentious business" includes any business done by a solicitor in any court, whether as a solicitor or as an advocate;

"Non-contentious business" includes any business connected with sales, purchases, leases, mortgages, settlements and other matters of conveyancing;

"Costs" includes fees, charges, disbursements, expenses and remuneration.

(2) References in any enactment to solicitors, attorneys or proctors, or to the registrar of attorneys and solicitors shall be construed as references to solicitors and to the registrar of solicitors respectively.

Repeals, &c.

82.—(1) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) Any admission, appointment, approval, notice, certificate, instrument, order, rule, regulation, direction, appeal or proceeding under or for the purposes of any enactment repealed by this Act shall be treated as an admission, appointment, approval, notice, certificate, instrument, order, rule, regulation, direction, appeal or proceeding under or for the purposes of the corresponding provision of this Act.

(3) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment in this Act, and any register, roll or list kept under any Act or enactment so repealed shall be deemed part of the register, roll or list to be kept under the corresponding provisions of this Act.

(4) Nothing in this section shall affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

Part VI. —*cont.*

Short title, commencement and extent.

83.—(1) This Act may be cited as the Solicitors Act, 1932.

(2) This Act shall come into operation on the first day of October, nineteen hundred and thirty-two.

(3) This Act shall not extend to Scotland or Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 15.

Provisions with respect to the length of a Person's Term of Articled Service.

Certain Graduates.

1. In the case of any person who, before entering into articles, has taken a degree, not being an honorary degree, in arts, law or science at any University specified in the Second Schedule to this Act, the term shall be three years.

Certain Women Students at Universities.

2. In the case of a woman who, before entering into articles, has resided at any University specified in the Second Schedule to this Act under the conditions required of women by that University and for the period necessary thereat for a man to obtain such a degree as is mentioned in the last preceding paragraph, and has passed, at a date when that University did not admit women to degrees, the final examination necessary thereat for a man to obtain such a degree, the term shall be three years.

Barristers.

3. In the case of a person who has been called to the Bar in England and who ceases to be a barrister before entering into articles, the term shall be three years.

4. In the case of a person who has been called to the Bar in England and who, before being so called, was bound by articles for a term of five years and served thereunder for three years and who has ceased to be a barrister before presenting himself for his final examination, the term of three years served under such articles as aforesaid shall suffice if those articles were determined with the consent, endorsed thereon, of the solicitor with whom they were entered into.

1ST SCH. —*cont.*

Scottish Advocates, Writers to the Signet, &c.

5. In the case of a person who, before entering into articles, has been admitted a member of the Faculty of Advocates in Scotland or has been admitted and enrolled as a Writer to the Signet, or as a solicitor in the Supreme Courts of Scotland, or as a Procurator before any of the Sheriff Courts of Scotland, the term shall be three years.

Solicitors' Clerks after Ten years' Service.

6. In the case of any person who, before entering into articles, has been for ten years a bonâ fide clerk to a solicitor and has during that term been bonâ fide engaged in the transaction and performance under the direction and superintendence of that solicitor of such matters of business as are usually transacted and performed by solicitors and who produces to the examiners appointed by the Society satisfactory evidence that he has served faithfully, honestly and diligently as such, the term shall be three years.

Persons having passed certain Examinations.

7. The Master of the Rolls, with the concurrence of the Lord Chancellor and the Lord Chief Justice or of one of them may make regulations directing that in the case of any person who has passed any examination held in or by a University specified in the Second Schedule to this Act, or any college or educational institution specified in the regulations, the term shall be four years.

Other Persons.

8. In the case of any other person, the term shall be five years.

Section 28, Sch. I.

SECOND SCHEDULE.

UNIVERSITIES RECOGNISED FOR CERTAIN PURPOSES OF THIS ACT.

(i) The Universities of Aberdeen, Birmingham, Bristol, Cambridge, Dublin, Durham, Edinburgh, Glasgow, Leeds, Liverpool, London, Oxford, Sheffield, St. Andrew's and Wales, the Victoria University of Manchester, the National University of Ireland and the Queen's University of Belfast; and

(ii) Any University in the United Kingdom added to the foregoing list by order of the Board of Education made after consultation with the Society and with the concurrence of the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls, or any two of them.

THIRD SCHEDULE.

Section 37.

FORMS.

A.

DECLARATION FOR OBTAINING PRACTISING CERTIFICATE.

No. 19

I hereby declare that was admitted an Attorney of (*a*) in term in the year (or) a Solicitor of the Supreme Court in the month of in the year and that my his place(s) of business is are as follows (*b*):—

Dated this day of 19 .

Signature ....

(Partner or London agent of the said)

To the Law Society.

(*a*) One Court is sufficient.
(*b*) If removed since last certificate state such removal

B.

PRACTISING CERTIFICATE.

No. 19 .

Pursuant to the Solicitors Act, 19 , the Law Society, as the registrar of Solicitors, hereby certifies that Solicitor of the Supreme Court, whose place(s) of business is are at , has this day left with the secretary of the said society a declaration in writing signed by (*a*) , containing his name and place or places of business, together with the term and year, or the month and year, in or as of which he was admitted, and hereby further certifies that the said Solicitor is duly enrolled a Solicitor of the Supreme Court, and is entitled to practise as such Solicitor on this certificate being duly stamped as required by law.

Given under the hand of the secretary of the Law Society this day of 19 .

.....................................Secretary.

Produced and entered this day of 19 .

(*a*) "The said Solicitor" or "the said Solicitor's partner on his behalf" or "the said Solicitor's London Agent" as the case may be. The name of the partner or agent need not be inserted here.

⁂ If this certificate is stamped after the 1st January, it must be produced to the Law Society within a month of the payment of the duty. If a notary, this certificate should be entered at the Faculty office.

Section 82.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Vict. c. 33.	The Solicitors (Clerks) Act, 1839.	Section nine.
6 & 7 Vict. c. 73.	The Solicitors Act, 1843	The whole Act.
7 & 8 Vict. c. 86.	The Solicitors (Clerks) Act, 1844.	Section four.
23 & 24 Vict. c. 127.	The Solicitors Act, 1860	The whole Act, except :— (i) in section twenty-two, the words "Any List of "Solicitors and Conveyancers purporting to "be published by the "Authority of the Commissioners of Inland "Revenue, and to contain "the Names of Solicitors "and Conveyancers who "have obtained stamped "Certificates for the current Year on or before "the First Day of January in the same Year, "shall, until the contrary "be made to appear, be "Evidence in all Courts, "and before all Justices "of the Peace and others, "that the Persons named "therein as Conveyancers "holding such Certificates "as aforesaid for the "current Year are Conveyancers holding such "Certificates; and the "Absence of the Name of "any Person from such "List shall, until the "contrary be made to "appear, be Evidence as "aforesaid that such Person is not qualified to "practise as a Conveyancer under a Certificate

4th Sch.
—*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
		“for the current Year; “but in the case of any “Person being a Conveyancer whose Name does “not appear on such List, “the Fact of his being so “shall be proved in the “Way in which it is now “by Law required to be “proved”; and (ii) Sections twenty-seven, thirty-four and thirty-five.
33 & 34 Vict. c. 28.	The Attorneys' and Solicitors' Act, 1870.	In section three, the words from “the words following” to “proctors” and from the word “Client” to the end of the section. Sections four to eighteen.
35 & 36 Vict. c. 81.	The Attorney and Solicitors Act (1860) Amendment Act, 1872.	The whole Act.
37 & 38 Vict. c. 68.	The Attorneys and Solicitors Act, 1874.	The whole Act.
38 & 39 Vict. c. 79.	The Legal Practitioners Act, 1875.	The whole Act.
40 & 41 Vict. c. 25.	The Solicitors Act, 1877.	The whole Act.
40 & 41 Vict. c. 62.	The Legal Practitioners Act, 1877.	The whole Act.
44 & 45 Vict. c. 44.	The Solicitors Remuneration Act, 1881.	The whole Act.
51 & 52 Vict. c. 65.	The Solicitors Act, 1888	The whole Act.
54 & 55 Vict. c. 39.	The Stamp Act, 1891 -	Section forty-four.
57 Vict. c. 9.	The Solicitors Act, 1894	The whole Act.
58 & 59 Vict. c. 25.	The Mortgagees Legal Costs Act, 1895.	The whole Act.
62 & 63 Vict. c. 4.	The Solicitors Act, 1899	The whole Act.
62 & 63 Vict. c. 14.	The London Government Act, 1899.	Subsection (3) of section twenty-four.
63 & 64 Vict. c. 14.	The Colonial Solicitors Act, 1900.	The whole Act.
6 Edw. 7. c. 16.	The Justices of the Peace Act, 1906.	In section three, from the word “but” to the end of the section.
6 Edw. 7. c. 24.	The Solicitors Act, 1906	The whole Act.

4TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
9 & 10 Geo. 5. c. 56.	The Solicitors Act, 1919	The whole Act.
9 & 10 Geo. 5. c. 71.	The Sex Disqualification (Removal) Act, 1919.	Section two.
11&12Geo.5. c. 32.	The Finance Act, 1921	Section sixty.
12&13Geo.5. c. 57.	The Solicitors Act, 1922	The whole Act.
15&16Geo.5. c. 21.	The Land Registration Act, 1925.	Sections one hundred and eighteen and one hundred and forty-six.
15&16Geo.5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925.	Subsections (2) and (3) of section two hundred and fifteen. In subsection (1) of section two hundred and sixteen, the words from " and (*b*) " to " appointment."
18&19Geo.5. c. 22.	The Solicitors Act, 1928	The whole Act.

CHAPTER 38.

An Act to amend the law of Scotland with regard to the purchase and hire of articles not exceeding twenty pounds in value by payment in instalments, and with regard to proceedings in the sheriff's small debt court. [12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Contracts to which Act applies.

1. This Act shall apply to any contract entered into after the passing of this Act, notwithstanding anything contained in such contract, in whatsoever terms it may be expressed and whether it be truly one of sale or of hire, if it is a contract whereby—

(*a*) one person (hereinafter referred to as "the owner") lets on hire to another person (hereinafter referred to as "the hirer") an article which does not exceed twenty pounds in value, in consideration of periodical payments to be made by the hirer to the owner with an option to the hirer to become the purchaser of the article; or

(*b*) one person (hereinafter referred to as "the owner") sells to a purchaser, an article which does not exceed twenty pounds in value for a price payable by instalments and subject to the condition that the property in the article shall not pass to the purchaser until payment of the last instalment of the price or of a specified number of such instalments or of a specified sum.

Conditions of validity of contracts.

2. No contract to which this Act applies and no contract of cautionry for, or guarantee of, the performance of any obligation under a contract to which this Act applies shall be binding on any person as hirer, purchaser, cautioner or guarantor unless—

(i) the contract is signed by such person; and

(ii) either (*a*) a copy of the contract is delivered to him at the time of his signature, and an acknowledgment of such delivery is endorsed on the contract and signed by him, or (*b*) a copy of the contract is sent to him by registered post, within fourteen days after his signature of the contract.

Power to hirer or purchaser to terminate contract.

3.—(1) The hirer or purchaser under a contract to which this Act applies shall be entitled at any time prior to the date when the final payment by him under the contract becomes due to terminate the contract and any liability attaching to him thereunder by—

(i) redelivering to the owner the article to which the contract relates in as good a state of repair as at the time of its delivery to him, due allowance being made for reasonable wear and tear; and

(ii) paying (*a*) any instalment due at, or prior to, the date of such redelivery, and unpaid at that date, and (*b*) the amount, if any, by which one third of the total payments stipulated for in the contract by way of instalment exceeds the *cumulo* amount of the instalments due at or prior to the aforesaid date.

(2) For the purposes of this section, delivery—

(*a*) to any person specified by the owner in a notice given to the hirer or purchaser and residing or carrying on business within a radius of two miles from the place where any person who acted on behalf of the owner in connection with the formation or conclusion of the contract resided or carried on business at the time he so acted; or

(*b*) if no such notice has been given, to such last-mentioned person,

shall be deemed to be redelivery to the owner.

Agreements to prorogate jurisdiction.

4. Any provision or agreement in, or in relation to a contract to which this Act applies—

(*a*) whereby any party to such contract prorogates, or agrees to submit to, the jurisdiction of a particular court; or

(*b*) whereby the owner, or any person on his behalf, is authorised to enter any premises for the purpose of taking possession of any article to which the contract applies, or any part thereof, or to take possession of any such article or part, or is exempted from any liability in respect of such entry or taking possession to which he would otherwise be subject; or

(*c*) whereby any person acting as agent on behalf of the owner in connection with the formation or conclusion of the contract is treated as, or deemed to be, the agent of the hirer or purchaser

shall be void.

Redelivery of article to hirer or purchaser on payment of balance due under contract.

5.—(1) Where the owner of an article which is the subject of a contract to which this Act applies has obtained decree for delivery to him of the article in respect of the failure of the hirer or purchaser to make any payment due under the contract, the hirer or purchaser shall be entitled, notwithstanding the decree, to retain the article or, in the case where the owner has obtained possession in pursuance of the decree, to recover the article from the owner, if within fourteen days after the date of the decree he pays to the owner a sum equal to the total payments stipulated for in the contract by way of instalment, so far as unpaid together with the amount of any expenses to which the owner may have been found entitled in the action in which decree for delivery to him was granted, and such amount in respect of the expense reasonably incurred by him in obtaining possession in pursuance of the decree as may, failing agreement, be determined by the court by which the decree was granted on an application presented by the hirer or purchaser.

(2) A hirer or purchaser shall, on payment in pursuance of the foregoing subsection of the sum therein referred to, have the like right to the article as if he had become the purchaser or as if the property had passed to him in accordance with the contract.

(3) Any application under subsection (1) of this section shall be disposed of summarily and without any written pleadings.

Decree for delivery in small debt court may include warrant to take possession.

6.—(1) It shall be competent to include in any decree granted in the small debt court ordaining a person to deliver any corporeal moveables a warrant to sheriff officers to search such premises in the occupation of that person as owner or tenant as may be specified in the warrant, and to take possession of the moveables or any of them which may be found in such premises.

(2) Any warrant granted in pursuance of the foregoing subsection shall be deemed to include authority to open, if need be, shut and lockfast places for the purpose of carrying the warrant into lawful execution.

Amendment of law as to imprisonment on small debt decree for delivery.

7 Edw. 7. c. 51.

52 & 53 Vict. c. 26.

7.—(1) Section forty-six of the Sheriff Courts (Scotland) Act, 1907, shall, in so far as it authorises the enforcement by imprisonment of decrees for delivery granted under the Small Debt Amendment (Scotland) Act, 1889, cease to have effect, and no person shall be apprehended or imprisoned on account of his failure to comply with an order or decree granted in the small debt court for the delivery of corporeal moveables, except in accordance with the following provisions—

(i) The pursuer in any action in which such a decree has been granted may at any time after the expiry of ten free days from the date of the decree, if delivery in accordance therewith shall not have been made, present an application to the court for a warrant for the imprisonment of the defender in the action against whom the decree has been granted;

(ii) The court shall order service on the defender of the application, which shall proceed on seven days' warning or induciae;

(iii) The application shall be disposed of summarily and without any written pleadings;

(iv) The court may, if it shall be proved that the defender is wilfully refusing to comply with the decree, grant an order for the imprisonment of the defender for any period not exceeding six weeks, or may recall the decree and substitute therefor a decree for payment by the defender to the pursuer of a specified sum, or make or grant such other order or decree as appears to the court to be just and equitable in the circumstances;

(v) A person imprisoned under a warrant granted under this section shall, notwithstanding any period specified in the warrant, be entitled to immediate liberation when the court is satisfied that delivery has been made in accordance with the decree or that the defender is no longer wilfully refusing to comply with the decree, and it shall be the duty of any person to whom delivery is made in accordance with the decree or with the provisions of subsection (2) of this section to intimate such delivery forthwith to the court;

(vi) Imprisonment under a warrant granted under this section shall be without prejudice to any other diligence or execution by which the decree may competently be enforced;

(vii) The person on whose application a warrant for imprisonment is granted under this section shall not be liable to aliment or to contribute to the aliment of the person imprisoned thereunder.

(2) A defender against whom a decree for delivery of any corporeal moveables has been granted shall, for the purposes of this section, be deemed to have complied with such decree if delivery of the moveables has been made—

(*a*) to any person specified by the pursuer in a notice given to the defender and residing or carrying on business within a radius of two miles from the place where any person who acted on behalf of the pursuer in connection with the formation or conclusion of any contract under which the moveables came into the possession of the defender resided or carried on business at the time he so acted; or

(*b*) in the case where no such notice has been given, to any person who so acted as agent on behalf of the pursuer.

8. No cause, action or proceeding on or arising out of any contract to which this Act applies which may competently be brought or instituted in the small debt court shall be brought or instituted, except in that court, but nothing in this section shall affect or prejudice any power vested in the sheriff to remit to the ordinary court roll any such cause, action or proceeding brought or instituted in the small debt court.

Actions competent in the small debt court to be brought in that court only.

9. Any contract or agreement by virtue of which any right conferred by this Act on the hirer, purchaser, cautioner or guarantor under a contract to which this Act applies, is taken away or limited shall to that extent be void.

Avoidance of contract inconsistent with Act.

10.—(1) In this Act, unless the context otherwise requires—

Interpretation.

"instalment" includes any periodical payment and any sum payable, under a contract to which this Act applies, by way of deposit or premium, or on, or in respect of, the exercise of an option to purchase, and payments stipulated for under such a contract shall be deemed to be periodical notwithstanding that they may not be payable at regular intervals;

"small debt court" means any court held in pursuance of the Small Debt (Scotland) Act, 1837, as amended by any subsequent enactment.

7 Will. 4 and 1 Vict. c. 41.

(2) For the purposes of this Act the sum of the instalments stipulated for in a contract to which this Act applies shall be deemed to be the value of the article to which the contract relates.

11. This Act may be cited as the Hire Purchase and Small Debt (Scotland) Act, 1932, and shall extend to Scotland only.

Short title and extent.

CHAPTER 39.

An Act to include offences in relation to dangerous drugs, and attempts to commit such offences, among extradition crimes. [12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 33 & 34 Vict. c. 52, Sched. I.

1. The Extradition Act, 1870, shall be construed as if offences against any enactment for the time being in force relating to dangerous drugs, and attempts to commit such offences, were included in the list of crimes in the First Schedule to that Act.

Short title and citation.

2. This Act may be cited as the Extradition Act, 1932, and the Extradition Acts, 1870 to 1906, and this Act may be cited together as the Extradition Acts, 1870 to 1932.

CHAPTER 40.

An Act to amend the law with respect to gas undertakings. [12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of undertakers to invest in securities of other companies, &c.

1.—(1) Subject to the provisions of this Act, and subject, in the case of a registered company, to the provisions of the memorandum and articles of association of the company, it shall be lawful for any gas undertakers to lend money on mortgage to, and subscribe for, acquire, hold and dispose of any shares, stock, mortgages, debentures or debenture stock of, any company or local authority who—

(*a*) carry on or are about to carry on, in any part of the United Kingdom, any process or operation of the same or substantially the same character as any process or operation which the undertakers are, as such, authorised to carry on; or

(*b*) are engaged or about to be engaged, in any part of the United Kingdom, solely in developing inventions or processes calculated to improve the manufacture or distribution of gas or the utilisation of residual products arising from the manufacture of gas:

Provided that—

(i) the aggregate amount of the investments of any local authority under the powers conferred by this section shall not exceed one-tenth part of the capital for the time being expended by the authority in connection with their gas undertaking, and the aggregate amount of the investments of any other undertakers under the said powers shall not exceed one-twentieth, or with the approval of the Board of Trade one-tenth, part of the aggregate amount of the authorised share and loan capital for the time being of such undertakers; and

(ii) where in any calendar year any undertakers have supplied less than two hundred and fifty million cubic feet of gas, then, in its application to those undertakers during the next succeeding calendar year, this subsection shall, except as respects investments previously made, have effect as if paragraph (*b*) were omitted therefrom.

(2) For the purposes of proviso (i) to the last foregoing subsection, the aggregate amount of the investments of any undertakers under the powers conferred by this section shall be taken to be the aggregate of—

(*a*) the sums expended by the undertakers in making such investments still held by them; and

(*b*) the amount, if any, by which the sums expended by the undertakers in making such investments no longer held by them exceed the capital sums received by them in respect thereof upon disposing of, or otherwise ceasing to hold, those investments.

(3) No investment shall be made by a local authority under the powers conferred by this section except with the approval of the Board of Trade.

Power of local authorities to borrow for purposes of Act.

2. For the purpose of making investments under the powers conferred by this Act, any gas undertakers being a local authority may, with the sanction of the Minister of Health (given with the concurrence of the Board of Trade) and subject to such conditions as he may impose, borrow such sums as may be so approved, not exceeding in the aggregate one-tenth part of the capital for the time being expended by the undertakers in connection with their gas undertaking.

Application of profits on investments under this Act.

3. Any capital sums received by any gas undertakers in respect of investments made under the powers conferred by this Act, upon disposing of, or otherwise ceasing to hold, those investments, shall, except in so far as they may lawfully be invested under this Act, be applied, in the case of undertakers being a local authority, in accordance with such directions as may be given by the Minister of Health, and, in any other case, as if they were premiums paid to the undertakers on the sale of share capital issued by them.

Interpretation.

4.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Authorised share and loan capital" means, in relation to any undertakers, the sums which the undertakers are, as such, authorised to raise by the issue of share capital and by means of borrowing on mortgage for the purposes of their gas undertaking;

"Company" means (except for the purposes of the definition of "registered company") a company incorporated or about to be incorporated in Great Britain, and any body corporate exercising, under any Act or order having the force of an Act, statutory powers comprising any of the functions mentioned in paragraph (*a*) or paragraph (*b*) of subsection (1) of section one of this Act;

"Gas undertakers," "undertakers" and "local authority" have, respectively, the same meanings as in the Gas Regulation Act, 1920; 10 & 11 Geo. 5. c.28.

"Registered company" means a company as defined by the Companies Act, 1929. 19 & 20 Geo. 5. c.23.

(2) In the application of this Act to Scotland, references to the Minister of Health shall be construed as references to a Secretary of State.

Short title, citation and extent.

5.—(1) This Act may be cited as the Gas Undertakings Act, 1932, and this Act and the Gas Undertakings Acts, 1920 and 1929, may be cited together as the Gas Undertakings Acts, 1920 to 1932.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 41.

An Act to amend the law with respect to Customs in the Isle of Man. [12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Provisions as to Orders corresponding to Orders made under 22 & 23 Geo. 5. c. 8, as amended.

Provisions as to orders affecting Schedule I of 22 & 23 Geo. 5. c.16. 22 & 23 Geo. 5. c. 8. 22 & 23 Geo. 5. c. 25.

1.—(1) Where an order is made by the Treasury under section seven of the Finance Act, 1932, directing that goods of any class or description for the time being included in the First Schedule to the Import Duties Act, 1932, shall cease to be so included, the Governor may by order direct that goods of the classes and descriptions specified in the Treasury order shall cease to be included in the First Schedule to the first Act of 1932.

PART I. —*cont.*

(2) Where an order made by the Treasury as aforesaid is varied or revoked, any corresponding order made by the Governor under this section may be varied or revoked accordingly by a subsequent order of the Governor.

(3) Any order made by the Governor under this section and any order made by the Governor after the commencement of this Act under section one of the first Act of 1932, shall (if it has not previously ceased to have effect under the provisions of this Part of this Act) cease to have effect on the expiration of a period of twenty-eight days from the date on which Tynwald next sits after the making of the order, unless at some time before the expiration of that period it has been approved by resolution passed by Tynwald, but without prejudice to anything previously done thereunder or to the making of a new order.

Power to impose additional duties on goods chargeable with general ad valorem duty.

2.—(1) The Governor may from time to time by order direct that, on the removal or importation into the Isle of Man of goods of such classes and descriptions as are specified in any order for the time being in force made by the Treasury (whether before or after the commencement of this Act) under section three of the Import Duties Act, 1932, there shall be payable, subject to and in accordance with the Treasury order, such additional duties of customs as are specified in the Treasury order.

(2) Any duty payable by virtue of an order made under this section shall be payable in addition to the general ad valorem duty, and any duty so payable is in this Act referred to as an "additional duty."

(3) Any duty payable by virtue of an order made under this section shall be payable as from such date as may be specified in the order, not being earlier than the date of the order or the date from which the duty is payable under the corresponding Treasury order:

Provided that in a case where, before the commencement of this Act, Tynwald has resolved, in accordance with section two of the Act of 1887, that it is expedient to impose the duties of customs specified in any order made by the Treasury as aforesaid, any order

50 & 51 Vict. c. 5.

made by the Governor under this section may direct that those duties shall be payable as from the date of the resolution.

(4) Any duty payable by virtue of an order made under this section shall, for the purpose of the provisions of Part I of the first Act of 1932 (other than the provisions of section one and section five thereof) be deemed to be payable under that Part of that Act, and accordingly the said provisions of that Act shall be construed as if references to the general ad valorem duty included references to an additional duty.

(5) Where an order made by the Treasury under section three of the Import Duties Act, 1932, is varied or revoked, any corresponding order made by the Governor under this section may be varied or revoked accordingly by a subsequent order of the Governor.

(6) Subject to the provisions of the next following subsection, any order made by the Governor under this section shall (if it has not previously ceased to have effect under the provisions of this Part of this Act) cease to have effect on the expiration of a period of twenty-eight days from the date on which Tynwald next sits after the making of the order, unless at some time before the expiration of that period it has been approved by resolution passed by Tynwald, but without prejudice to anything previously done thereunder or to the making of a new order.

(7) The provisions of the last foregoing subsection shall not apply in a case where, before the commencement of this Act, Tynwald has resolved, in accordance with section two of the Act of 1887, that it is expedient to impose the customs duties specified in the order of the Governor, and any such resolution (so far as it relates to the said duties) shall, notwithstanding anything in the said section, continue to have effect thereunder until the expiration of one month after the commencement of this Act or until the Governor makes such an order as aforesaid, whichever first occurs.

Power to confer preference in case of

3.—(1) The Governor may from time to time by order direct that, on the removal or importation into the Isle of Man of goods of such classes and descriptions as are specified in any order for the time being in force

PART I. —*cont.* certain foreign goods.

made by the Treasury under section seven of the Import Duties Act, 1932, being goods which are shown to the satisfaction of the Commissioners to have been consigned from and grown, produced or manufactured in the foreign country specified in the Treasury order, the general ad valorem duty or any additional duty or both such duties shall, as from such date as may be specified in the Governor's order (not being earlier than the date of the order or the date specified in that behalf in the Treasury order), be payable at the reduced rate specified in the Treasury order or, if the Treasury order so provides, shall not be payable.

(2) Where any such order is made by the Governor, the provisions of Part I of the first Act of 1932 as amended by this Act shall have effect accordingly.

(3) Where an order made by the Treasury as aforesaid is varied or revoked, any corresponding order made by the Governor under this section may be varied or revoked accordingly by a subsequent order of the Governor.

(4) Any regulations made by the Board of Trade under subsection (2) of section seven of the Import Duties Act, 1932, prescribing the conditions which must be fulfilled in order to establish that goods have been grown, produced or manufactured in a foreign country specified in an order made under that section, shall extend to the Isle of Man, and the Commissioners may in any case require a person removing or importing goods into the Isle of Man to furnish, in such form as they may prescribe, proof that the conditions so prescribed by the regulations have been fulfilled, and if such proof is not furnished to the Commissioners' satisfaction, the goods shall not be deemed to be goods grown, produced or manufactured in that country.

Power to impose supplementary duties in case of foreign discrimination.

4.—(1) The Governor may by order direct that, on the removal or importation into the Isle of Man of goods of such classes and descriptions as are specified in an order for the time being in force made by the Board of Trade under section twelve of the Import Duties Act, 1932, being goods produced or manufactured in the foreign country specified in the order of the Board of Trade, there shall be payable such duties of customs as are specified in the order of the Board of Trade, and any duty so directed to be payable shall for all purposes be deemed to be payable under this section.

(2) Any duty payable under this section on any goods shall be payable in addition to any other duty of customs payable on those goods.

(3) Where an order made by the Board of Trade as aforesaid is varied or revoked, any corresponding order made by the Governor under this section may be varied or revoked accordingly by a subsequent order of the Governor.

(4) It shall be lawful for the Commissioners, on the removal or importation into the Isle of Man of any goods which, being produced or manufactured in any particular foreign country, would be liable to duty under this section and which are consigned either from that foreign country or from such other countries as the Board of Trade may have directed under subsection (5) of the said section twelve, to require the person removing or importing the goods to furnish to the Commissioners, in such form as they may prescribe, proof with respect to the country in which the goods were produced or manufactured, and unless proof is furnished to the satisfaction of the Commissioners, that the goods were produced or manufactured elsewhere than in the first-mentioned country, the goods shall be deemed to be goods produced or manufactured in the first-mentioned country.

Effect of orders ceasing to have effect under s. 19 of 22 & 23 Geo. 5. c. 8.

5. If and when an order made by the Treasury or by the Board of Trade under the Import Duties Act, 1932, ceases to have effect under section nineteen of that Act, or an order made by the Treasury under section seven of the Finance Act, 1932, ceases to have effect under the said section nineteen as applied by the last-mentioned section, any corresponding order made by the Governor under the foregoing provisions of this Part of this Act or under section one or section two of the first Act of 1932 shall (if it has not previously ceased to have effect under the provisions of this Part of this Act) cease to have effect accordingly, but without prejudice to anything previously done thereunder or to the making of a new order.

PART I. —*cont.*

Power to revoke orders made under s. 3 of 22 & 23 Geo. 5. c. 16.

6. The Governor may revoke or vary any order made by him under section three of the first Act of 1932 to such extent as may be necessary to secure that that section applies to the same territories as those to which section five of the Import Duties Act, 1932, applies by virtue of Orders in Council made from time to time under the last-mentioned section as amended by section eight of the Finance Act, 1932.

PART II.

MISCELLANEOUS AND GENERAL.

Imposition of duties on tea.

7.—(1) On and from the twenty-sixth day of April, nineteen hundred and thirty-two, there shall, until the first day of August, nineteen hundred and thirty-three, be payable on tea removed or imported into the Isle of Man duties of customs at the following rates :—

Tea, not being an Empire product	the lb.	Fourpence.
Tea, being an Empire product	the lb.	Twopence.

9 & 10 Geo. 5. c. 74.

(2) In this section the expression " Empire product " has the same meaning as in section five of the Act of 1919.

Reduction of duties on ale and beer.

8. On and from the first day of June, nineteen hundred and thirty-two, in lieu of the customs duties theretofore payable on ale and beer, there shall, until the first day of August, nineteen hundred and thirty-three, be payable on ale and beer removed or imported into the Isle of Man a duty of customs at the following rate :—

	£	*s.*	*d.*
For every thirty-six gallons, where the worts were before fermentation of a specific gravity of one thousand and fifty-five degrees - - - -	3	17	0

with a proportionate increase or decrease according to the specific gravity of the worts thereof before fermentation.

Continuation and alteration of duties on silk.
15 & 16 Geo. 5. c. 56.
16 & 17 Geo. 5. c. 27.

9.—(1) Subject to the provisions of this section, the duties of customs imposed by section seven of the Act of 1925 and section eight of the Act of 1926 on silk and artificial silk removed or imported into the Isle of Man shall continue to be payable as from the first day of August, nineteen hundred and thirty-two, until the first day of August, nineteen hundred and thirty-three.

Part II. —*cont.*

(2) As from the first day of June, nineteen hundred and thirty-two, until the first day of August, nineteen hundred and thirty-three, a duty of customs equal to ten per cent. of the value of the articles shall be payable (in addition to the duties of customs payable under the enactments aforesaid as extended by section two of the Act of 1931 and by this section) on the removal or importation into the Isle of Man of yarns, tissues and other articles (not being articles of apparel) made wholly or partly of silk or artificial silk.

21 & 22 Geo. 5. c. 34.

(3) As from the first day of June, nineteen hundred and thirty-two, until the first day of August, nineteen hundred and thirty-three, in the case of an article of apparel made wholly or partly of silk or artificial silk there shall, in lieu of the duties of customs payable under the enactments aforesaid as so extended, be payable, on the removal or importation thereof into the Isle of Man, whichever is the higher of the two following duties, that is to say—

(*a*) a duty of customs equal to the aggregate amount of the duty of customs which would otherwise have been payable under the enactments aforesaid as so extended, and of a duty equal to ten per cent. of the value of the article;

(*b*) a duty of customs calculated at the rate shown in the First Schedule to this Act on the weight of the article.

(4) The provisions of subsection (2) of section seven of, and Part II of the Schedule to, the Act of 1925 shall apply to the duties imposed by this section as they apply to the duties continued by this section:

Provided that paragraphs 1 and 2 of the said Part II shall not apply in relation to any duty which is calculated by reference to value.

(5) Subsection (2) of section eight of the Act of 1926 (which gives a person removing or importing into the Isle of Man for his own use and not for sale an article of apparel made wholly or partly of silk or artificial silk the option of having the article charged with duty by reference to the whole weight thereof) shall be deemed to have ceased to have had effect as from the first day of June, nineteen hundred and thirty-two.

PART II.—*cont.*

Removal of former duty on pottery. 17 & 18 Geo. 5. c. 20.

10.—(1) The duty of customs imposed on translucent or vitrified pottery by section fourteen of the Act of 1927 shall cease to be payable.

(2) This section shall be deemed to have had effect as from the first day of June, nineteen hundred and thirty-two.

Continuation of certain duties.

11. The duties of customs imposed on goods removed or imported into the Isle of Man, being goods of the descriptions set out in the first column of the following table, by the respective enactments set out in the second column of that table shall continue to be payable as from the first day of August, nineteen hundred and thirty-two, until the dates respectively set out in the third column of that table :—

TABLE.

	Description of goods.	Enactment imposing duty.	Date to which duty continued.
18 & 19 Geo. 5. c. 38.	Buttons - - - -	Section 17 of the Act of 1928.	28th April, 1933.
	Cinematograph films -	Section 6 of the Act of 1925 as amended by section 12 of the Act of 1927 and section 14 of the Act of 1928.	1st August, 1933.
	Clocks and watches and component parts of clocks and watches.	Section 6 of the Act of 1925.	1st August, 1933.
14 & 15 Geo. 5. c. 24.	Cocoa - - - -	Section 4 of the Act of 1924.	1st August, 1933.
	Enamelled hollow-ware -	Section 17 of the Act of 1928.	13th June, 1933.
	Hops and extracts, essences and other similar preparations (other than hop oil) made from hops.	Section 5 of the Act of 1925.	1st August, 1933.
20 & 21 Geo. 5. c. 1.	Hop oil - - - -	Section 3 of the Act of 1929.	1st August, 1933.

Part II.—*cont.*

Description of goods.	Enactment imposing duty.	Date to which duty continued.
Matches - - - -	Section 7 of the Act of 1927.	1st August, 1933.
Mechanical lighters, and component parts of mechanical lighters.	Section 8 of the Act of 1928.	1st August, 1933.
Motor cars, including motor bicycles and motor tricycles, and their accessories and component parts.	Section 6 of the Act of 1925 as amended by section 6 of the Act of 1926 and section 11 of the Act of 1927.	1st August, 1933.
Musical instruments, including gramophones, pianolas, and other similar instruments; and accessories and component parts of musical instruments, and records and other means of reproducing music.	Section 6 of the Act of 1925.	1st August, 1933.
Spirits - - - -	Section 2 of the Act of 1930.	1st August, 1933.
Sweets - - -	Section 2 of the Act of 1929.	1st August, 1933.
Tobacco - - -	Section 19 of the first Act of 1932.	1st August, 1933.
Wines - - - -	Section 1 of the Act of 1927.	1st August, 1933.

16 & 17 Geo. 5. c. 27.

20 & 21 Geo. 5. c. 42.

Amendment of s. 13 of 22 & 23 Geo. 5. c. 16.

12.—(1) As from the twenty-sixth day of April, nineteen hundred and thirty-two, the duties of customs imposed by section thirteen of the first Act of 1932 on shelled green peas shall be payable at the rate of one pound, seventeen shillings and fourpence the hundredweight instead of at the rate theretofore payable.

(2) The said section thirteen shall have effect, and shall be deemed as from the said twenty-sixth day of April to have had effect, as if the Horticultural Products (Emergency Customs Duties) No. 4 Order,

Part II. —*cont.*

1932, were included among the orders mentioned in subsection (2) of that section.

Repeal of certain provisions of 22 & 23 Geo. 5. c. 16.

13. The following provisions of the first Act of 1932 shall be deemed to have ceased to have had effect as from the twenty-sixth day of April, nineteen hundred and thirty-two, that is to say—

(*a*) section twelve (which imposes a duty of customs on certain articles in respect of abnormal importations); and

(*b*) section sixteen (which provides that duties payable under Part II of the said Act shall be payable in addition to other duties of customs).

Short title, interpretation and repeal.

14.—(1) This Act may be cited for all purposes as the Isle of Man (Customs) (No. 2) Act, 1932, and may be cited for the purpose of any future Act relating to customs in the Isle of Man as the second Act of 1932.

(2) In this Act and in any future Act relating to customs in the Isle of Man—

(*a*) the expression "the Governor" shall mean the Lieutenant-Governor of the Isle of Man;

(*b*) the expression "Tynwald" shall mean the Court of Tynwald in the Isle of Man;

(*c*) the expression "the Commissioners" shall mean the Commissioners of Customs and Excise;

(*d*) the expression "the general ad valorem duty" shall have the same meaning as it has in Part I of the first Act of 1932;

(*e*) a reference to an Act of any year shall be deemed to be a reference to the Isle of Man (Customs) Act of that year;

(*f*) a reference to the first Act of 1932 shall be deemed to be a reference to the Isle of Man (Customs) Act, 1932.

(3) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Section 9.

Alternative Rates of Duty on Articles of Apparel made wholly or partly of Silk or Artificial Silk.

Description of Article.	Rate of Duty.	
	In the case of articles containing silk alone or containing both silk and artificial silk.	In the case of articles containing artificial silk alone.
	the lb. *s.* *d.*	the lb. *s.* *d.*
Where the article is made wholly of silk or artificial silk, or where the value of the silk or artificial silk component exceeds twenty per cent. of the aggregate of the values of all the components of the article - - -	12 0	5 0
Where the value of the silk or artificial silk component exceeds five per cent. but does not exceed twenty per cent. of the aggregate of the values of all the components of the article - -	4 0	1 8
Where the value of the silk or artificial silk component does not exceed five per cent. of the aggregate of the values of all the components of the article - - - - - - -	0 9	0 4

Section 14.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
63 & 64 Vict. c. 31.	The Isle of Man (Customs) Act, 1900.	The whole Act.
16 & 17 Geo. 5. c. 27.	The Isle of Man (Customs) Act, 1926.	Subsection (2) of section eight.
17 & 18 Geo. 5. c. 20.	The Isle of Man (Customs) Act, 1927.	Section fourteen.
21 & 22 Geo. 5. c. 34.	The Isle of Man (Customs) Act, 1931.	Section two so far as it relates to translucent or vitrified pottery.
22 & 23 Geo. 5. c. 16.	The Isle of Man (Customs) Act, 1932.	Section twelve, paragraph (*a*) of section fifteen, and sections sixteen and eighteen.

* * *

CHAPTER 42.

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund, and for other purposes relating to local loans.

[12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Grants for public works.

1.—(1) There may be issued by the National Debt Commissioners for the purposes of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of eighteen million pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict. c. 16.

Certain debts not to be reckoned as assets of local loans fund.

2. Whereas it is expedient that the principal of the several local loans specified in the tables contained in Part I and Part II of the Schedule to this Act should, to the extent specified in the last column of those tables, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887:

Now, therefore, the principal of the said loans to the extent aforesaid shall be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission of arrears of principal and interest in respect of Eyemouth Harbour loan.

3. Whereas in pursuance of an agreement made in the year eighteen hundred and ninety-two the sum of ten thousand pounds was advanced by the Public Works Loan Commissioners to the Eyemouth Harbour Trustees on the security of the harbour revenues with the collateral security of the Fishery Board for Scotland:

1 Edw. 7. c. 35.

And whereas by an arrangement confirmed by section three of the Public Works Loans Act, 1901, the liability of the Eyemouth Harbour Trustees in respect of the said loan was extinguished without prejudice to the liability of the Fishery Board for Scotland to repay the said loan, and, in consequence thereof, the said collateral security is the sole security for the repayment of the said loan:

And whereas the terms of the said collateral security are embodied in a memorandum of agreement between the Secretary for Scotland and the Public Works Loan Commissioners, dated the eleventh day of March, eighteen hundred and ninety-two, whereby a portion of the surplus herring brand fees as defined in clause three of the said memorandum was pledged in security for the repayment of the said loan with interest by the instalments and at the times mentioned in the security given by the Eyemouth Harbour Trustees for the said loan, and it was provided that the said portion of the surplus herring brand fees of any one year should only be applicable to the repayment of the one-fiftieth part of principal and interest on outstanding principal falling due under the security for the said loan in the same year, and should not be applicable to the repayment of arrears of principal :

And whereas the said portion of the surplus herring brand fees so pledged as aforesaid was during the year ending the thirty-first day of March, nineteen hundred and thirty-two, insufficient to discharge in full the instalment of principal with interest which fell due under the security for the said loan in that year, and the principal sum of one hundred and seventy-seven pounds thirteen shillings and sixpence with interest amounting to thirty-six pounds six shillings and threepence, now remains unpaid, and under the terms of the said memorandum of agreement is irrecoverable :

Now, therefore, the said principal sum of one hundred and seventy-seven pounds thirteen shillings and sixpence shall be extinguished, and the said arrears of interest amounting to thirty-six pounds six shillings and threepence shall be remitted.

Remission of balance of principal and interest in respect of certain local loans.

4. Whereas it is provided by section two of this Act that the principal of the local loans specified in the table contained in Part II of the Schedule to this Act shall, to the extent of the sums respectively specified in the last column of that table, be written off from the assets of the local loans fund :

And whereas the said sums constitute respectively the balances remaining unpaid out of the total amounts advanced, and are irrecoverable :

Now, therefore, the principal of the said loans shall, to the extent aforesaid, be extinguished and all arrears of interest thereon shall be remitted.

Short title.

5. This Act may be cited as the Public Works Loans Act, 1932.

SCHEDULE.

Sections 2 and 4.

PART I.

LOAN BY THE PUBLIC WORKS LOAN COMMISSIONERS UNDER THE HARBOURS AND PASSING TOLLS, &C. ACT, 1861.

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£	£ *s.* *d.*
Eyemouth Harbour Trustees - -	10,000	177 13 6

PART II.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS UNDER THE AGRICULTURAL CREDITS ACT, 1923.

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£	£ *s.* *d.*
Mr. George Baber and Mrs. Elizabeth Mabel Ida Aitkens - - - -	2,895	2,000 10 6
Mr. James Doig - - - -	3,975	553 12 1
Mr. Albert Edwards - - - -	1,350	139 15 0
Mr. William Joseph Fletcher - -	300	206 5 3
Mr. Harold Adam Harris - - -	1,800	567 17 10
Mr. Alfred Ernest Merrett - - -	2,400	3 18 9
Mr. Henry John Riches - - -	3,300	1,499 4 9

CHAPTER 43.

An Act to amend the Constitution of Malta and to remove doubts as to the validity of certain Letters Patent and other enactments relating to Malta. [12th July 1932.]

WHEREAS by the Malta Constitution Letters Patent, 1921 (hereafter in this Act referred to as "the principal Letters Patent"), His Majesty was pleased to make provision for the establishment of responsible

Government in Malta and its dependencies, subject to certain limitations therein set forth:

And whereas the principal Letters Patent were amended by a proclamation of the Governor of Malta dated the fifteenth day of September, nineteen hundred and twenty-one, and by the Malta Constitution (Amendment) Letters Patent, 1927, the Malta Constitution (Amendment) Letters Patent, 1928, the Malta Constitution (Amendment) Letters Patent, 1930, the Malta Constitution (Amendment) Letters Patent, 1932, and the Malta Constitution (Amendment No. 2) Letters Patent, 1932 (hereafter in this Act referred to as "the amending Letters Patent"):

And whereas it is expedient that the principal Letters Patent, as so amended, should be further amended by Act of Parliament in manner hereafter appearing:

And whereas it is expedient to remove doubts which have arisen as to the validity of certain of the amending Letters Patent and as to the validity of the Order in Council, Acts and Ordinances hereafter mentioned:

Now, therefore, be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment as to reserved matters.

1.—(1) The Legislature of Malta shall not have power to pass laws with respect to the appointment (including qualification), remuneration, tenure of office or removal of judges of the superior courts of Malta.

(2) Without prejudice to the power of His Majesty to amend the provisions of the principal Letters Patent (as subsequently amended) in relation to reserved matters, it shall be lawful for His Majesty from time to time to amend the said Letters Patent by further Letters Patent, so as to provide that the Legislature of Malta shall not have power to pass laws with respect to the establishment, discipline, control and administration of the police or with respect to any particular matter or matters relating to the subjects aforesaid or any of them.

Provisions as to judges.

2.—(1) The judges of the superior courts of Malta shall be appointed by the Governor of Malta in the name of and on behalf of His Majesty.

(2) No person shall be qualified to be appointed a judge of the said courts unless, during a period of not less than twelve years or during periods amounting in the aggregate to not less than twelve years, he has either practised at the Bar or served as a magistrate in Malta, or has partly so practised and partly so served.

(3) A judge of the said courts shall receive such remuneration as may be determined by the Governor of Malta from time to time:

Provided that—

(*a*) the annual remuneration of all the judges shall not exceed in the aggregate the amount required by the principal Letters Patent (as subsequently amended) to be paid annually out of the Consolidated Revenue Fund of Malta on account of that remuneration; and

(*b*) the remuneration of a judge shall not be diminished during his tenure of office.

(4) A judge of the said courts shall vacate his office on his attaining the age of sixty-five years, and may be removed from his office by the Governor of Malta in the name of and on behalf of His Majesty on the ground of proved misbehaviour or incapacity.

(5) The provisions of subsections (1) and (2) of this section shall not apply to a judge of the said courts who was appointed before the commencement of this Act.

Amendments as to Trade Union Council.

3.—(1) For the purpose of the principal Letters Patent (as subsequently amended) there shall be constituted a Trade Union Council in accordance with the following provisions, that is to say—

(*a*) the members of the Council shall be elected, in accordance with the law for the time being in force in Malta, by such trade unions as are registered at the time of the election in accordance with the law so in force;

(*b*) no person shall be qualified to be elected a member of the Council—

(i) unless he is a member of a trade union which at the time of the election is registered as aforesaid; or

(ii) if he is a member of any other class of persons which is entitled to be represented by special members of the Senate of Malta:

(*c*) a member of the Council shall cease to be a member if and when a trade union by which he was elected ceases to be registered as aforesaid, or if and when he ceases to be qualified to be elected a member.

(2) In the principal Letters Patent (as subsequently amended) the expression "the Trade Union Council" shall mean the Council constituted in accordance with this section.

(3) A member of the Trade Union Council duly elected a special member of the Senate to represent the Council shall not be required to vacate his seat in the Senate by reason only that he has ceased to be a member of the Council.

(4) Notwithstanding anything in this section, any person who, immediately before the commencement of this Act, was a special member of the Senate, and had been duly elected such a member by the Trade Union Council as defined by the law then in force in Malta, may retain his seat in the Senate as if this section had not come into operation.

Amendment as to persons disqualified as voters by reason of sentence for crime.

4. Notwithstanding anything in section thirty of the principal Letters Patent (which provides that a person shall be disqualified to be registered as a voter on any register of voters, and to vote at any election of members of the Senate or of the Legislative Assembly, if he has been sentenced by any competent court for any crime mentioned in that section), no person shall be so disqualified by reason of any such sentence (whether passed before or after the commencement of this Act) after the expiration thereof.

Validity of Letters Patent, Orders in Council, Ordinances and Acts.

5.—(1) It is hereby declared that—

(*a*) the Letters Patent and Order in Council set out in the First Schedule to this Act were validly passed and made and were within the powers reserved to His Majesty;

(*b*) the Acts of the Legislature of Malta so set out were validly enacted and were within the powers of the Legislature;

(*c*) the Ordinances of the Governor of Malta so set out were validly promulgated and were within the powers of the Governor.

(2) Where after the commencement of this Act any law purporting to have been passed by the legislature of Malta is assented to by the Governor of Malta in the name of and on behalf of His Majesty, the validity of the law or any provision thereof shall not be questioned in any legal proceedings whatsoever commenced after the expiration of one year from the date on which the law comes into operation, except on the ground that the law deals with a matter with respect to which the legislature of Malta has no power to make laws.

Provisions as to amending, repealing, and printing of Letters Patent.

6.—(1) The amendments set out in the first column of the Second Schedule to this Act, being amendments to incorporate in the principal Letters Patent (as amended by the amending Letters Patent) the provisions of this Act respectively set out in the second column of that Schedule, shall be made in those Letters Patent, and any question of interpretation shall be settled by reference to those Letters Patent as amended in pursuance of this section.

(2) Every enactment and word which is directed by the amending Letters Patent or by this section to be substituted for or added to any portion of the principal Letters Patent, shall form part of the principal Letters Patent in the place assigned to it by the amending Letters Patent or the Second Schedule to this Act, as the case may be; and after the commencement of this Act the principal Letters Patent shall be construed as if the said enactment or word had been included in the principal Letters Patent in the place so assigned, and where it is substituted for another enactment or word had been so included in lieu of that enactment or word.

(3) A copy of the principal Letters Patent with the amendments, whether by way of substitution, addition or omission required by the amending Letters Patent and by this section, shall be prepared under the direction of the Secretary of State and certified by him, and His Majesty's Stationery Office shall print, in accordance with the copy so certified, all copies of the principal Letters Patent which are printed after the commencement of this Act, and the principal Letters Patent as so amended

are hereafter referred to and may be cited for all purposes as "the Malta Constitution Letters Patent."

(4) Notwithstanding anything in any Act or any rule of law, any provision of the Malta Constitution Letters Patent included therein by virtue of this Act may, in accordance with the said Letters Patent, be altered, amended, varied, repealed or revoked to the same extent, in the same manner and by the same authority as if the provision had been duly included therein by amending Letters Patent.

Short title.

7. This Act may be cited as the Malta Constitution Act, 1932.

SCHEDULES.

Section 5.

FIRST SCHEDULE.

Letters Patent, Order in Council, Acts and Ordinances declared to be valid.

Letters Patent.

The Malta Constitution (Amendment) Letters Patent, 1928.
The Malta Constitution (Amendment) Letters Patent, 1930.
The Malta Constitution (Amendment) Letters Patent, 1932.
The Malta Constitution (Amendment No. 2) Letters Patent, 1932.

Order in Council.

The Malta (Temporary Government) Order in Council, 1930.

Acts of the Legislature of Malta.

Acts Nos. I to XXIX of 1929.
Acts Nos. I to VII of 1930.

Ordinances of the Governor of Malta.

Ordinances Nos. 1 to 15 of 1930.
Ordinances Nos. 1 to 30 of 1931.
Ordinances Nos. 1 to 17 of 1932.

SECOND SCHEDULE.

Section 6.

AMENDMENTS OF MALTA CONSTITUTION LETTERS PATENT INCORPORATING PROVISIONS OF ACT.

Amendment of Letters Patent.	Provision of Act incorporated.
1. The following subsection shall be inserted immediately after subsection (1) of section six :— " (1A) Notwithstanding anything in the foregoing subsection, a person duly elected a special member of the Senate to represent the Trade Union Council shall not be required to vacate his seat in the Senate by reason only that he has ceased to be qualified to vote at an election of such a member of the Senate."	Section 3 (3).
2. The following subsection shall be substituted for subsection (4) of section seven :— " (4) For the purpose of these Our Letters Patent, there shall be constituted a Trade Union Council in accordance with the following provisions, and in these Our Letters Patent, the expression " the Trade Union Council " shall mean the Council constituted in accordance with those provisions, that is to say :— (*a*) the members of the Council shall be elected, in accordance with the law for the time being in force in Malta, by such trade unions as are registered at the time of the election in accordance with the law so in force : (*b*) no person shall be qualified to be elected a member of the Council— (i) unless he is a member of a trade union which at the time of the election is registered as aforesaid; or (ii) if he is a member of the Clergy or of the Nobility or of the Graduates or of the Chamber of Commerce;	Section 3 (1), (2) and (4).

2nd Sch —*cont.*

Amendment of Letters Patent.

Provision of Act incorporated.

(*c*) a member of the Council shall cease to be a member if and when a trade union by which he was elected ceases to be registered as aforesaid, or if and when he ceases to be qualified to be elected a member:

Provided that, notwithstanding anything in this subsection, a person who, immediately before the commencement of the Malta Constitution Act, 1932, was a special member of the Senate, and had been duly elected such a member by the Trade Union Council as defined by the law then in force, may retain his seat in the Senate as if this subsection had not come into operation."

3. Paragraph (1) of section thirty shall be omitted, and the following section shall be inserted immediately after the said section thirty as section thirty-A:— Section 4.

"30A.—(1) No person sentenced by any competent court (whether before or after the commencement of the Malta Constitution Act, 1932) for any crime to which this section applies shall be entitled to be registered as a voter on any register of voters, or to vote at any election of members of the Senate or of the Legislative Assembly, until the expiration of the sentence, unless he receives a free pardon from Us for the crime for which he has been so sentenced.

(2) The crimes to which this section applies are—

(*a*) crimes punishable by death, hard labour for any period, or imprisonment for a period exceeding one year;

(*b*) any other crime against the peace or honour of families referred to in Chapter II of Title VI of the First Part of the Second Book of the Criminal Laws of Malta;

but do not include manslaughter or other crimes against the person in cases where these crimes are excusable for any of the causes contemplated in Article 233 and Nos. 1 and 2 of Article 236 of the said Criminal Laws."

Amendment of Letters Patent.	Provision of Act incorporated.
4. Section forty-one shall be amended by inserting at the end of subsection (1) thereof the following paragraph :— " (*q*) the appointment (including qualification) and remuneration of judges of the superior courts and the tenure of office and removal of such judges ; " and by inserting in subsection (6) after the word " Language " the words " section 55 (relating to judges)."	Section 1 (1).
5. The following section shall be inserted immediately after section forty-seven as section forty-seven-A :— " 47A. Where after the commencement of the Malta Constitution Act, 1932, any law purporting to have been passed by the Legislature is assented to by the Governor in Our Name and on Our behalf, the validity of the law or of any provision thereof shall not be questioned in any legal proceedings whatsoever commenced after the expiration of one year from the date on which the law comes into operation, except on the ground that the law deals with a matter with respect to which the Legislature has no power to make laws."	Section 5 (2).
6. The following section shall be substituted for section fifty-five :— " 55.—(1) The judges of the superior courts of Malta shall be appointed by the Governor in Our name and on Our behalf. (2) No person shall be qualified to be appointed a judge of the said courts unless, during a period of not less than twelve years, or during periods amounting in the aggregate to not less than twelve years, he has either practised at the Bar or served as a magistrate in Malta, or has partly so practised and partly so served. (3) A judge of the said courts shall receive such remuneration as may be determined	Section 2.

2ND SCH. —*cont.*

Amendment of Letters Patent.

Provision of Act incorporated.

by the Governor of Malta from time to time:

Provided that—

(*a*) the annual remuneration of all the judges shall not exceed in the aggregate the amount required by section sixty-three of these Our Letters Patent to be paid annually out of the Consolidated Revenue Fund on account of that remuneration; and

(*b*) the remuneration of a judge shall not be diminished during his tenure of office.

(4) A judge of the said courts shall vacate his office on his attaining the age of sixty-five years, and may be removed from his office by the Governor in Our name and on Our behalf on the ground of proved misbehaviour or incapacity.

(5) The provisions of subsections (1) and (2) of this section shall not apply to a judge of the said courts who was appointed before the commencement of the Malta Constitution Act, 1932."

7. The following words shall be inserted at the end of section sixty-eight:— Section 1 (2).

"and in particular, but without prejudice
"to the generality of the foregoing provi-
"sions of this section, We do hereby
"reserve to Ourselves, Our heirs and suc-
"cessors, full power and authority from
"time to time to amend section forty-one
"so as to provide that the establishment,
"discipline, control and administration of
"the police, or any particular matter relating
"to the subjects aforesaid or any of them,
"shall be a reserved matter."

CHAPTER 44.

An Act to amend the Bills of Exchange Act, 1882. [12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment as to cheques drawn by a bank on itself. 45 & 46 Vict. c. 61. 6 Edw. 7. c. 17.

1. Sections seventy-six to eighty-two of the Bills of Exchange Act, 1882 (which relate to crossed cheques), as amended by the Bills of Exchange (Crossed Cheques) Act, 1906, shall apply to a banker's draft as if the draft were a cheque.

For the purposes of this section, the expression "banker's draft" means a draft payable on demand drawn by or on behalf of a bank upon itself, whether payable at the head office or some other office of the bank.

Short title.

2. This Act may be cited as the Bills of Exchange Act (1882) Amendment Act, 1932.

CHAPTER 45.

An Act to amend the law relating to public rights of way; and for purposes connected therewith. [12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Public use of way for twenty years conclusive that way is a public highway.

1.—(1) Where a way, not being of such a character that user thereof by the public could not give rise at common law to any presumption of dedication, upon or over any land has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, such way shall be deemed to have been

Merstham Manor v Coulsdon U. D.C. 1937 2 K.B. 77.

dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate such way, or unless during such period of twenty years there was not at any time any person in possession of such land capable of dedicating such way.

(2) Where any such way has been enjoyed as aforesaid for a full period of forty years, such way shall be deemed conclusively to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate such way.

(3) A notice by the owner of the land over which any such way passes inconsistent with the dedication of the way as a highway, placed before or after and maintained after the commencement of this Act in such a manner as to be visible to those using the way, shall, in the absence of proof of a contrary intention, be sufficient evidence to negative the intention to dedicate such way as a highway, and where a notice has been placed in the manner provided in this subsection and is subsequently torn down or defaced, notice in writing by the owner of the land to the council of the county and of the borough or urban or rural district council in which the way is situate that the way is not dedicated to the public shall, in the absence of proof of a contrary intention, be sufficient evidence to negative the intention of the owner of the land to dedicate such way as a highway.

(4) (*a*) The owner of any land shall be at liberty to deposit at any time after the commencement of this Act with the council of the county and with the council of the borough, urban district or rural district in which the said land is situate—

(i) a map on a scale of not less than six inches to one mile on which such land shall be delineated; and

(ii) a statement indicating what ways he admits have been dedicated as highways.

(*b*) In any case in which a deposit under paragraph (*a*) of this subsection has been made, statutory declarations made by the owner aforesaid or by his successors in title and lodged by him or them with the councils aforesaid at any time prior to the expiration of six years from the date of such deposit or prior to the expiration of six years from the date on which any previous declarations were lodged under this paragraph to the effect that no additional ways (other than any specifically indicated in such declaration) over the lands delineated on the said map have been dedicated to the public since the date of such deposit or since the date of the lodgment of such previous declarations (as the case may be) shall in the absence of proof of a contrary intention be sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional ways as highways.

(5) In the case of land in the possession of a tenant for a term of years or from year to year let on lease, any person for the time being entitled in reversion to the land shall, notwithstanding the existence of any such tenancy, have the right to place and maintain such notice as aforesaid, but so that no injury is done thereby to the business or occupation of the tenant.

(6) Each of the respective periods of years mentioned in this section shall be deemed and taken to be the period next before the time when the right of the public to use a way shall have been brought into question by notice as aforesaid or otherwise.

(7) Nothing in this section contained shall affect any incapacity of a corporation or other body or person in possession of land for public or statutory purposes to dedicate any such way where such way would be incompatible with such public or statutory purposes.

(8) For the purposes of this section the expression "land" includes land covered with water.

Savings

2.—(1) Nothing in this Act shall affect any proceedings pending at the commencement of this Act, and where in respect of any way a court of competent jurisdiction decides in proceedings so pending, or has before the commencement of this Act decided, that the way is not a highway, this Act shall not apply except as respects enjoyment of the way after the date of the decision.

(2) Nothing in this Act shall operate to prevent the dedication of a way as a highway being presumed on proof of user for any less period than twenty years or to prevent the dedication of a way as a highway being presumed or proved under any circumstances under

which it can be presumed or proved at the time of the passing of this Act.

Provision as to evidence.

3. Any court or other tribunal shall, before determining (*a*) whether a way upon or over any land has or has not been dedicated as a highway, or (*b*) the date upon which such dedication, if any, took place, take into consideration any map, plan or history of the locality or other relevant document that is tendered in evidence, and such weight shall be given thereto as the court or tribunal consider justified by the circumstances, including the antiquity of the tendered document, the status of the person or persons by whom it was made or compiled, its purpose, and the custody in which it has been kept and from which it is produced.

Protection of rights.

4. The person entitled to the remainder or reversion immediately expectant upon the determination of a tenancy for life or pour autre vie in land shall have the like remedies by action for trespass or an injunction to prevent the acquisition by the public of a right of way over such land as if he were in possession thereof.

Extent of Act.

5. This Act shall not apply to Scotland or Northern Ireland.

Commencement of Act.

6. This Act shall come into operation on the first day of January, nineteen hundred and thirty-four.

Short title.

7. This Act may be cited as the Rights of Way Act, 1932.

CHAPTER 46.

An Act to make further and better provision for the protection and welfare of the young and the treatment of young offenders; to amend the Children Act, 1908, and other enactments relating to the young; and for objects connected with the purposes aforesaid.

[12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Part I.

Juvenile Courts.

Juvenile courts.

1.—(1) Courts of summary jurisdiction constituted as hereafter provided in this Part of this Act shall sit so often as is necessary for the following purposes, that is to say—

(i) to hear charges against children and young persons;

(ii) to hear applications, the hearing of which is by rules made under this section assigned to juvenile courts;

(iii) to exercise any other jurisdiction conferred on juvenile courts by this or any other Act;

and such courts so constituted and sitting for any such purpose shall be known as juvenile courts and, in whatever place sitting, shall be deemed to be petty sessional courts.

A charge made jointly against a child or young person and a person who has attained the age of seventeen years shall, for the purposes of this section, not be treated as a charge against a child or young person.

(2) Subject as hereinafter provided, no such charge or application as is mentioned in the last preceding subsection shall be heard by a court of summary jurisdiction which is not a juvenile court:

Provided that—

(i) this subsection shall not apply where a child or young person is charged with an offence, and a person who has attained the age of seventeen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and

(ii) where in the course of any proceedings before any court of summary jurisdiction other than a juvenile court it appears that the person to whom the proceedings relate is

Part I. —*cont.*

a child or young person, nothing in this subsection shall be construed as preventing the court, if they think fit so to do, from proceeding with the hearing and determination of those proceedings.

(3) A juvenile court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be a child or young person may, if they think fit so to do, proceed with the hearing and determination of the charge or application, notwithstanding that it is discovered that the person in question is not a child or young person.

(4) A juvenile court shall sit either in a different building or room from that in which sittings of courts other than juvenile courts are held, or on different days from those on which sittings of such other courts are held.

(5) The Lord Chancellor may by rules assign to juvenile courts the hearing of any applications for orders or licences relating to children or young persons, being applications cognisable by justices, courts of summary jurisdiction, or petty sessional courts, if, in his opinion, it is desirable in the interests of the children and young persons concerned that such applications should be heard by juvenile courts.

11 & 12 Geo. 5. c. 51.

For the purposes of this subsection, any complaint under section forty-four or section forty-five of the Education Act, 1921 (which sections relate to the making of school attendance orders and to the proceedings to be taken where such orders are disobeyed), or under section fifty-four of that Act (which relates to the making of orders requiring defective or epileptic children to be sent to suitable classes or schools) shall be deemed to be an application for an order relating to a child.

Constitution of juvenile courts outside metropolitan areas.

2.—(1) The provisions of this section shall have effect with respect to juvenile courts outside the metropolitan police court area and the City of London.

(2) Subject to the provisions of the next succeeding subsection, a panel of justices specially qualified for dealing with juvenile cases shall be formed for the purposes of this Part of this Act in every petty sessional division, and no justice shall be qualified to sit as a

member of a juvenile court unless he is a member of such a panel.

Part I. —*cont.*

(3) The Secretary of State, after considering any representations made to him by the justices of the petty sessional divisions concerned, may by order direct that there shall be only one panel for any two or more petty sessional divisions and may by the same or a subsequent order provide for sittings of juvenile courts constituted from that panel being held at such places, whether within or without the petty sessional division for which the court is for the time being acting, as may be specified in the order.

An order under this subsection may contain such supplemental, incidental and consequential provisions as appear to the Secretary of State to be necessary or proper for the purposes of the order, and may be varied or revoked by a subsequent order.

(4) Rules made by the Lord Chancellor shall provide—

(*a*) for the formation and periodical revision of panels of justices;

(*b*) for limiting the number of justices who may sit as members of any juvenile court, and for the manner in which they are to be selected;

(*c*) for one of the justices acting as chairman of the court and for the manner in which the chairman is to be selected.

Constitution of juvenile courts in metropolitan police court area.

3.—(1) His Majesty may by Order in Council specify as respects the metropolitan police court area the places (which, notwithstanding anything in the Metropolitan Police Courts Acts, 1839 and 1840, may be places other than police courts) in which juvenile courts are to sit, and assign as a division to each such place such portion of that area as may be specified in the Order.

2 & 3 Vict. c. 71.
3 & 4 Vict. c. 84.

(2) Every juvenile court in the metropolitan police court area shall be constituted of a metropolitan police magistrate nominated by the Secretary of State to act as chairman of juvenile courts within the said area and two justices of the peace for the county of London, one of whom shall be a woman, and both of whom shall be selected, in such manner as may be directed

Part I. —*cont.*

by Order in Council, from a panel of such justices nominated from time to time by the Secretary of State:

Provided that—

(i) if for special reasons the Secretary of State considers it advisable so to do, he may nominate such a justice of the peace as aforesaid to act as a chairman of juvenile courts within the said area; and

(ii) if at any time, by reason of illness or other emergency, no person so nominated is available to act as chairman of a juvenile court, any metropolitan police magistrate although not so nominated and, with the consent of the Secretary of State, any justice of the peace selected from the panel may act temporarily as a chairman; and

(iii) where it appears to the chairman that the court cannot without adjournment be fully constituted, and that the adjournment would be inexpedient in the interests of justice, he may sit with one justice selected from the panel (whether a man or a woman) or, if he is a metropolitan police magistrate, may sit alone.

(3) The Secretary of State, in nominating the chairmen of juvenile courts and the members of a panel, shall have regard to the previous experience of the persons available and their special qualifications for dealing with juvenile cases; and every such nomination shall be for a specified period and shall be revocable by the Secretary of State.

(4) A juvenile court sitting in the metropolitan police court area shall have all the powers of a metropolitan police magistrate; and for the purposes of any enactment by virtue of which any powers are exercisable—

(*a*) by a court of summary jurisdiction acting for the same petty sessional division or place as a juvenile court by which some previous act has been done; or

(*b*) by a juvenile court acting for the same petty sessional division or place as a court of summary jurisdiction by which some previous act has been done, the metropolitan police court area shall be deemed to be the place for which all metropolitan police magistrates sitting in that area and all juvenile courts sitting in that area act.

(5) An Order in Council made under this section may contain such supplemental, incidental and consequential provisions as appear to His Majesty in Council to be necessary or proper for the purposes of the Order, and may be revoked or varied by a subsequent Order.

Constitution of juvenile courts in the City of London.

4.—(1) Juvenile courts for the City of London shall be constituted in such manner, and shall (notwithstanding anything in the foregoing provisions of this Part of this Act) sit at such place or places, as the Court of the Lord Mayor and Aldermen of the City may from time to time determine.

(2) A juvenile court constituted and sitting in accordance with such a determination as aforesaid shall have all the powers of a petty sessional court, notwithstanding that it is constituted only of the Lord Mayor or a single alderman and is not sitting in the justice room of the Mansion House or of the Guildhall.

Power of juvenile court to deal summarily with indictable offences at any sitting. 42 & 43 Vict. c. 49.

5. Notwithstanding anything in subsection (8) of section twenty of the Summary Jurisdiction Act, 1879, (which provides that an indictable offence shall not be dealt with summarily under that Act except on a day publicly appointed for the hearing of indictable offences), a juvenile court may sit on any day for the purpose of hearing and determining a charge against a child or young person in respect of an indictable offence.

Procedure in juvenile courts.

6.—(1) The Lord Chancellor may make rules for regulating the procedure in juvenile courts, and such of the provisions of the Summary Jurisdiction Acts and of the Acts relating to indictable offences as regulate procedure shall have effect subject to any rules so made.

(2) No person shall be present at any sitting of a juvenile court, except—

(*a*) members and officers of the court;

(*b*) parties to the case before the court and their solicitors and counsel, witnesses and other persons directly concerned in that case;

PART I. —*cont.*

(*c*) bonâ fide representatives of newspapers or news agencies;

(*d*) such other persons as the court may specially authorise to be present.

Provisions with respect to remands and bail.

7.—(1) When a juvenile court have remanded a child or young person for information to be obtained with respect to him, any juvenile court acting for the same petty sessional division or place—

(*a*) may in his absence extend the period for which he is remanded, so, however, that he appears before a court or a justice at least once in every twenty-one days;

(*b*) when the required information has been obtained, may deal with him finally;

and where the court by whom he was originally remanded have recorded a finding that he is guilty of an offence charged against him, it shall not be necessary for any court who subsequently deal with him under this subsection to hear evidence as to the commission of that offence, except in so far as they may consider that such evidence will assist them in determining the manner in which he should be dealt with.

(2) No direction, whether contained in this or any other Act, that a charge shall be brought before a juvenile court, shall be construed as restricting the powers of any justice or justices to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.

Laying of rules before Parliament.

8. The provisions of section twenty-nine of the Summary Jurisdiction Act, 1879, with respect to the laying of rules before Parliament shall apply in relation to rules made by the Lord Chancellor under this Part of this Act as they apply in relation to rules made by him under the said section.

PART II.

JUVENILES IN NEED OF CARE OR PROTECTION AND JUVENILE OFFENDERS.

Juveniles in need of Care or Protection.

Powers of juvenile court in

9.—(1) Any local authority, any constable or any authorised person (as defined in this section) who have or has reasonable grounds for believing that a child or young person comes within any of the descriptions hereinafter mentioned, that is to say— respect of children and young persons needing care or protection.

(i) a child or young person who, having no parent or guardian, or a parent or guardian who is unfit to exercise care and guardianship or is not exercising proper care and guardianship, is falling into bad associations or is exposed to moral danger or is beyond control; or

(ii) a child or young person—

(*a*) in respect of whom any offence under Part II. of the principal Act, or any of the offences mentioned in the First Schedule to that Act, has been committed; or

(*b*) who is a member of the same household as a child or young person in respect of whom such an offence has been committed; or

(*c*) who is a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or

(*d*) who, being a female, is a member of the same household as a female in respect of whom an offence under the Punishment of Incest Act, 1908, has been committed by a member of that household,

8 Edw. 7. c. 45.

and who, in any such case as aforesaid, requires care or protection; or

(iii) a child in respect of whom an offence has been committed under section one hundred and eighteen of the principal Act (which relates to the punishment of vagrants preventing children receiving education),

may bring that child or young person before a juvenile court, and the court, if satisfied that the child or young person comes within any of the descriptions above mentioned, may either—

(*a*) order him to be sent to an approved school; or

(*b*) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or

Part II. —*cont.*

(*c*) order his parent or guardian to enter into a recognisance to exercise proper care and guardianship; or

(*d*) without making any other order, or in addition to making an order under either of the two last preceding paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

(2) For the purposes of paragraph (i) of the last preceding subsection, but without prejudice to the generality of the words thereof, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall be evidence that he is exposed to moral danger.

(3) Any court before which a person is convicted of having committed in respect of a child or young person any offence referred to in paragraph (ii) or paragraph (iii) of subsection (1) of this section may direct that the child or young person be brought before a juvenile court with a view to that court making such order under that subsection as may be proper, or, if satisfied that the material before them is sufficient to enable them properly to exercise jurisdiction, may, notwithstanding anything in Part I of this Act, themselves make any order which the juvenile court might make.

(4) It shall be the duty of a local authority to bring before a juvenile court under subsection (1) of this section any child or young person residing or found in their district with respect to whom a court has given a direction under the last preceding subsection, or who appears to the authority to come within any of the descriptions mentioned in the said subsection (1), unless in the latter case they are satisfied that the taking of proceedings is undesirable in the interest of the child or young person, or that proceedings are about to be taken by some other person.

Part II. —*cont.*

(5) The Summary Jurisdiction Acts shall apply in relation to recognisances under subsection (1) of this section as they apply in relation to recognisances to be of good behaviour and, where a recognisance under the said subsection (1) is adjudged to be forfeited, the court may, if they think fit, instead of adjudging the person bound thereby to pay the sum for which he is bound, adjudge him to pay part only of the said sum or remit payment thereof.

(6) For the purposes of this section, the expression "authorised person" means any officer of a society which is authorised by general or special order of the Secretary of State to institute proceedings under this section, and any person who is himself so authorised.

Power of parent or guardian to bring child or young person before juvenile court.

10. Where the parent or guardian of a child or young person proves to a juvenile court that he is unable to control the child or young person, the court, if satisfied—

(i) that it is expedient so to deal with the child or young person; and

(ii) that the parent or guardian understands the results which will follow from and consents to the making of the order,

may order the child or young person to be sent to an approved school, or may order him to be placed for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the court:

Provided that an order that the child or young person be sent to an approved school shall not be made unless the local authority within whose area he is resident agrees.

Power of poor law authority to bring child before juvenile court.

11. Where a poor law authority satisfy a juvenile court that any child or young person maintained in or boarded out from a school or other institution belonging to the authority is refractory, and that it is expedient that he should be sent to an approved school, the court may order him to be sent to such a school.

Provisions as to orders

12. The power of a court under section forty-five of the Education Act, 1921, to order a child, as defined

PART II. —*cont.*

made upon non-compliance with school attendance orders.

11 & 12 Geo. 5. c. 51.

for the purposes of that section, to be sent to a certified day industrial school or a certified industrial school, or to be committed to the care of a relative or other fit person in accordance with the provisions of section fifty-eight of the principal Act, shall be construed as a power to order such a child to be sent to an approved school or to be committed to the care of a fit person in accordance with the provisions of this Part of this Act; and where an order is made under the said section forty-five, either for sending such a child as aforesaid to an approved school, or for committing him to the care of a fit person, the succeeding provisions of this Act shall apply in relation to that order as if it were an order made under this Part of this Act.

Effect of supervision order.

13.—(1) Where a court makes an order under any of the foregoing provisions of this Part of this Act placing a child or young person under the supervision of a probation officer or of some other person, that officer or person shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment and may, if it appears necessary in his interests so to do, at any time while the order remains in force and he is under the age of seventeen, bring him before a juvenile court, and that court may, if they think that it is desirable in his interests so to do, order him to be sent to an approved school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where the probation officer or other person named in an order as aforesaid placing a child or young person under supervision, has died or is unable for any reason to carry out his duties, or where it is made to appear that it is for any reason desirable that another person should be appointed in the place of that officer or person, a juvenile court may appoint another probation officer or person to act in his place.

15 & 16 Geo. 5. c. 86.

(3) For the purposes of the provisions of the Criminal Justice Act, 1925, relating to the salaries, remuneration and expenses of probation officers and of persons not being probation officers named in probation orders, an order as aforesaid placing a child or young person under supervision shall be deemed to be a probation order.

Removal or remand of child or young person to place of safety.

14.—(1) A constable, or any person authorised by any court or by any justice, may take to a place of safety any child or young person in respect of whom any offence under Part II of the principal Act, or any of the offences mentioned in the First Schedule to that Act, has been or is believed to have been committed, or who is about to be brought before a juvenile court in accordance with any of the foregoing provisions of this Part of this Act, and a child or young person so taken to a place of safety, and any child or young person who has taken refuge in a place of safety, may be detained there until he can be brought before a juvenile court.

(2) If a juvenile court before whom any child or young person is brought are not in a position to decide whether any and, if so, what, order ought to be made under the foregoing provisions of this Part of this Act, they may make such interim order as they think fit for his detention or continued detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

An interim order under this subsection shall not remain in force for more than twenty-eight days, but, if at the expiration of that period the court deem it expedient so to do, they may make a further interim order.

Juvenile Offenders.

Amendments as to summary trial of children for indictable offences.

15.—(1) A court of summary jurisdiction before whom a child is charged with an indictable offence other than homicide may, without consulting the parent or guardian of the child, deal with him summarily and shall so deal with him unless some other person who is charged jointly with him and is not a child is committed for trial, in which case they may, if in the interests of justice they think it necessary so to do, also commit the child for trial.

(2) A court of summary jurisdiction which deals summarily with a child in respect of an indictable offence shall, in addition to any other powers exercisable by virtue of this or any other Act, have power to impose a fine not exceeding forty shillings, and when the child is a

PART II. —*cont.*

male, to adjudge the child to be, as soon as practicable, privately whipped with not more than six strokes of a birch rod by a constable in the presence of an inspector or other officer of police of higher rank than a constable and also in the presence, if he desires to be present, of the parent or guardian of the child.

(3) The Summary Jurisdiction Act, 1879, shall have effect as if the foregoing provisions of this section were substituted for the provisions of section ten of that Act (which relates to the summary trial of children for indictable offences), and so much of section seventeen of that Act as provides that the parent or guardian of a child charged with an offence punishable on summary conviction may in certain cases claim that the child shall be tried by jury, shall cease to have effect.

Amendments as to summary trial of young persons for indictable offences.

16. When a young person is charged before a court of summary jurisdiction with an indictable offence with which, if he consents, and if they think it expedient so to do, the court are empowered to deal summarily, they may exercise their discretion in the matter at any time during the hearing of the case and, accordingly, in subsection (2) of section eleven of the Summary Jurisdiction Act, 1879 (which relates to the summary trial with consent of young persons) the words "by the evidence" shall be omitted.

Additional powers of courts with respect to children and young persons found guilty of offences.

17.—(1) Any court by or before which a child or young person is found guilty of an offence punishable in the case of an adult with imprisonment shall, in addition to any other powers exercisable by virtue of this or any other Act, have power—

(*a*) to order him to be sent to an approved school;

(*b*) to commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where an order is made under this section committing a child or young person to the care of a fit person, a probation order may also be made under the Probation of Offenders Act, 1907.

7 Edw. 7. c. 17.

Power of any court to

18.—(1) Any court by or before whom a child or young person is found guilty of an offence other than homicide, may, if they think fit, remit the case to a juvenile court acting for the place where the offender was committed for trial, or, if he was not committed for trial, to a juvenile court acting either for the same place as the remitting court or for the place where the offender resides; and, where any such case is so remitted, the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which they might have dealt with him if he had been tried and found guilty by them.

remit juvenile offender to a juvenile court.

(2) No appeal shall lie against an order of remission made under the last preceding subsection, but nothing in this subsection shall affect any right of appeal against the verdict or finding on which such an order is founded.

(3) A person aggrieved by the order made by a juvenile court in any case remitted to them under this section may appeal against that order to quarter sessions as if he had been tried by, and had pleaded guilty before, the juvenile court.

(4) A court by which an order remitting a case to a juvenile court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the juvenile court, and shall cause to be transmitted to the clerk of the juvenile court a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof, and that the case has been remitted for the purpose of being dealt with under this section.

Increase of age with respect to criminal responsibility and death sentences.

19.—(1) It shall be conclusively presumed that no child under the age of eight years can be guilty of any offence.

(2) Sentence of death shall not be pronounced or recorded against any person under the age of eighteen years, and section one hundred and three of the principal Act shall have effect accordingly.

General.

Notice to local authority and probation

20.—(1) Where a child or young person is to be brought before a court of summary jurisdiction, or before a justice or justices acting under the Indictable

PART II. —*cont.*

officer of charges against and applications relating to children and young persons. 11 & 12 Vict. c. 42.

Offences Act, 1848, in respect of an offence alleged to have been committed by him, or is to be brought before a juvenile court as needing care or protection, the responsible person (as hereinafter defined) shall forthwith notify the day and hour when, and the nature of the charge or other grounds on which, the child or young person is to be brought before the court or justices—

(i) to the probation officer, or one of the probation officers, for the probation area in which the court or justices will sit; and

(ii) to the local authority for the district in which the child or young person is resident, or, if it is not known where he is resident, to the local authority for the district, or for any one of the districts, in which the offence is alleged to have been committed or the circumstances justifying an application to the court are alleged to have arisen:

Provided that no such notification need be given to a local authority where the child or young person is charged or brought before the court by a local or poor law authority.

For the purposes of this subsection the expression "responsible person" means, in a case where the child or young person is accused of an offence, the chief officer of police, and in any other case, the person bringing the child or young person before the court.

(2) A local authority who have received a notification under the last preceding subsection, and a local or poor law authority who themselves charge any child or young person with any offence, or bring any child or young person before a juvenile court as needing care or protection, shall, except in cases which appear to them to be of a trivial nature, make such investigations and render available to the court such information as to the home surroundings, school record, health and character of the child or young person and, in proper cases, as to available approved schools, as appear to them to be likely to assist the court:

Provided that a local authority shall be under no obligation to make investigations as to the home surroundings of children or young persons in any petty sessional division in which by direction of the justices or probation committee arrangements have been made for such investigations to be made by a probation officer.

Principles to be observed by courts in dealing with children and young persons.

21. Every court in dealing with a child or young person who is brought before them, either as needing care or protection or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

"Conviction" and "sentence" not to be used in relation to juveniles dealt with summarily.

22. The words "conviction" and "sentence" shall cease to be used in relation to children and young persons dealt with summarily and any reference in any enactment to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be:

4 & 5 Geo. 5. c. 58.

Provided that for the purposes of paragraph (*b*) of subsection (1) of section ten of the Criminal Justice Administration Act, 1914 (which relates to the power to send youthful delinquents to Borstal Institutions) a finding that a person is guilty of an offence shall not have the effect of a conviction if he is dealt with for that offence under the Probation of Offenders Act, 1907.

Minimum age for committal to approved school.

23. A court shall not order a child under the age of ten years to be sent to an approved school unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, they are satisfied that he cannot suitably be dealt with otherwise.

Provisions as to Orders committing Juveniles to care of a fit Person.

General provisions as to orders committing children and young

24.—(1) The provisions of this and the three next succeeding sections shall apply in relation to orders under this Part of this Act committing a child or young person to the care of a fit person, and in those provisions the expressions "boy" and "girl" mean respectively

Part II. —*cont.* persons to care of fit person.

a boy or a girl with respect to whom such an order is in force, irrespective of whether at the date of the making of the order he or she was a child or was a young person.

(2) Every order shall embody a declaration as to the age of the boy or girl and shall, subject to the provisions of this Act, remain in force until he or she attains the age of eighteen years.

(3) The court shall, before making the order, endeavour to ascertain the religious persuasion of the boy or girl and the order shall embody a declaration with respect thereto.

(4) The person to whose care the boy or girl is committed shall, whilst the order is in force, have the same rights and powers, and be subject to the same liabilities in respect of his or her maintenance, as if he were his or her parent, and the boy or girl shall continue in his care notwithstanding any claim by a parent or any other person.

(5) The Secretary of State may, if he thinks fit, make rules as to the manner in which boys and girls so committed are to be dealt with and as to the duties of the persons to whose care they are committed.

(6) The Secretary of State may at any time in his discretion discharge a boy or girl from the care of the person to whose care he or she is committed, and any such discharge may be granted either absolutely or subject to conditions.

(7) The Secretary of State, in any case where it appears to him to be for the benefit of a boy or girl who has been committed to the care of any person, may empower that person to arrange for his or her emigration, but except with the authority of the Secretary of State, no person to whose care a boy or girl is committed shall arrange for his or her emigration:

Provided that the Secretary of State shall not empower a person to arrange for the emigration of a boy or girl unless he is satisfied that the boy or girl consents, and also that his or her parents have been consulted, or that it is not practicable to consult them.

(8) An order committing a boy or girl to the care of a fit person may, on the application of any person, be varied or revoked—

(*a*) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessional division or place;

(*b*) in any case, by a juvenile court acting for the petty sessional division or place within which the boy or girl is residing.

Power to commit child or young person to care of local authority.

25.—(1) The local authority shall for the purposes of the provisions of this Part of this Act relating to the making of orders committing children and young persons to the care of fit persons be deemed to be a fit person and accordingly orders may be made committing children and young persons to their care and they may undertake the care of children and young persons so committed.

(2) The Secretary of State may cause boys and girls committed to the care of a local authority to be visited from time to time, and rules made by him under the last preceding section may contain provisions as to the persons with whom and the conditions under which they may be boarded out.

(3) Subject to the provisions of any such rules as aforesaid, a local authority may board out boys and girls committed to their care for such periods and on such terms as to payment and otherwise as they think fit.

(4) Where the local authority are of opinion that any boy or girl who has been committed to their care and who is under seventeen years of age should be sent to an approved school, they may apply to a juvenile court, and that court may, if they think that it is desirable in his or her interests so to do, order him or her to be sent to such a school.

Power to commit certain children and young persons to care

26. An order may be made under this Part of this Act committing to the care of the Minister of Pensions, or of a person appointed by him, any child or young person for the care of whom it is the duty of the Minister under section nine of the War Pensions Act, 1918, to make provision, and accordingly in subsection (4) of that of Minister of Pensions. 8 & 9 Geo. 5. c. 57. 8 Edw. 7. c. 67.

section the reference to an order made under section twenty-one or subsection (7) of section fifty-eight of the Children Act, 1908, shall be construed as including a reference to an order made under this Part of this Act.

Religious persuasion of person to whom child or young person is committed.

27.—(1) A court, in selecting the person to whose care a boy or girl is to be committed, and a local authority, in selecting the person with whom any boy or girl committed to their care is to be boarded out, shall, if possible, select a person who is of the same religious persuasion, or who gives an undertaking that the boy or girl will be brought up in accordance with his or her religious persuasion.

(2) If, on an application made by the parent or guardian, or any near relative, of the boy or girl in question, a juvenile court having jurisdiction to revoke or vary the order are satisfied that a boy or girl who has been committed to the care of any fit person is not being brought up in accordance with his or her religious persuasion, the court shall, unless an undertaking satisfactory to them is offered by the person to whose care he or she is committed, either revoke the order, or vary it in such manner as they think best calculated to secure that he or she is thenceforth brought up in accordance with that persuasion.

Provisions as to Orders committing Juveniles to Approved Schools.

Contents of approved school orders.

28.—(1) An order made by a court for sending a child or young person to an approved school (hereafter in this Act referred to as "an approved school order") may be made to take effect immediately, or its operation may be postponed to a later date specified in the order or to be subsequently specified by endorsement thereon by the appropriate court:

Provided that the operation of the order shall not be postponed except pending the completion of arrangements for the reception of the child or young person into a suitable school, or on account of his ill-health.

(2) The school to which a child or young person is first to be sent under an approved school order shall be

such school as may be specified in the order, being that one of the available schools (whether situate within the jurisdiction of the court making the order or not) which the court, after considering any representations made to them by the local authority concerned, deem to be most suitable to the case: Part II. —*cont.*

Provided that—

(i) if the order is not made to take effect immediately, the school need not in the first instance be specified in the order, but may subsequently be specified by endorsement on the order by the appropriate court; and

(ii) if for any reason the child or young person cannot be received into the approved school specified in or endorsed upon the order, the appropriate court may by an endorsement, or further endorsement, on the order specify another school.

(3) If the order is not made to take effect immediately, or if at the time when the order takes effect the child or young person cannot be sent to the school, the appropriate court may make an order committing him either to custody in any place to which he might be committed on remand, or to the custody of a fit person to whose care he might be committed under this Part of this Act, and, subject as hereinafter provided, that order shall have effect until he is sent to an approved school in pursuance of the approved school order:

Provided that an order made under this subsection shall not remain in force for more than twenty-eight days, but if at the expiration of that period the appropriate court deem it expedient so to do, they may make a further order under this subsection.

(4) The court shall before making the approved school order endeavour to ascertain the religious persuasion of the child or young person, and the order shall embody a declaration with respect thereto.

(5) Every approved school order shall embody a declaration as to the age of the child or young person.

(6) Every approved school order, other than an order mentioned in the next succeeding subsection, shall

Part II. —*cont.*

name the local authority within whose district the child or young person was resident, or if it is not known where he was resident, the local authority or one of the local authorities within whose district the offence was committed or, as the case may be, the circumstances arose rendering the child or young person liable to be sent to an approved school:

Provided that, in the case of a child or young person not resident in England, the order shall, instead of naming a local authority, state that he was resident outside England.

(7) An approved school order made on the application of a poor law authority in its capacity as such shall state that it is so made upon the application of that authority, and an approved school order made by reason of the commission of an offence under section one hundred and eighteen of the principal Act (which relates to the punishment of vagrants preventing children receiving education) shall state that it is so made.

(8) An approved school order shall, subject as hereinafter provided, state whether the local or poor law authority, if any, named therein or the probation officer or the police authority is to be responsible for conveying the child or young person to his school, and the local or poor law authority, probation officer or police authority, as the case may be, shall be responsible for conveying him to his school accordingly at the expense of the local or poor law authority, the probation committee or police authority:

Provided that, where the order is not made to take effect immediately, the authority or person who is to be responsible for conveying the child or young person to his school, need not in the first instance be specified in the order, but may be subsequently specified by endorsement thereon by the appropriate court.

(9) Any order made under subsection (3) of this section and any endorsement made under this section may be made in the absence of the child or young person concerned.

(10) In determining, for the purposes of this section and of the provisions of this Part of this Act

relating to the contributions to be made by local authorities, the place of residence of a child or young person, any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Part of this Act by a local authority to whose care he has been committed, or in accordance with the conditions of a recognisance, shall be disregarded.

(11) In this section, the expression "appropriate court" means—

(*a*) the court which made the approved school order; or

(*b*) if the order was made by a court of summary jurisdiction, a juvenile court acting for the same petty sessional division or place; or

(*c*) if the order was made by a court not being a court of summary jurisdiction, a juvenile court acting for the petty sessional division or place where the child or young person was committed for trial, or, if he was not committed for trial, a juvenile court acting for the petty sessional division or place within which he was resident.

Information to be transmitted to managers of school.

29.—(1) The court who make, or make any endorsement upon, an approved school order shall cause it to be delivered to the authority or person responsible for conveying the child or young person to his school, and the person who conveys him to the school shall deliver the order to the headmaster or person for the time being in charge thereof.

(2) The court by whom an approved school order is made shall cause a record in the prescribed form, embodying all such information in the possession of the court with respect to the child or young person as is in the opinion of the court material to be known by the managers of the school, to be prepared and transmitted to the headmaster or person for the time being in charge of the school.

Period of detention in approved school.

30.—(1) Where a court order a child to be sent to an approved school, the order shall be an authority for his detention in an approved school until the expiration

Part II. —*cont.*

of a period of three years from the date of the order and, if at the expiration of that period he is still under the age of fifteen years, for his further detention until he attains that age.

(2) Where a court order a young person to be sent to an approved school, the order shall be an authority for his detention in an approved school—

(i) if at the date of the order he has not attained the age of sixteen years, until the expiration of a period of three years from the date of the order; and

(ii) if at the date of the order he has attained the age of sixteen years, until he attains the age of nineteen years.

(3) If the managers of an approved school are satisfied that a person whose period of detention therein is, under the provisions of either of the foregoing subsections, about to expire, needs further care or training and cannot without it be placed in suitable employment, they may, if the Secretary of State consents, detain him for a further period not exceeding six months and not in any case extending beyond the date on which he attains the age of nineteen years.

(4) Nothing in this section limiting by reference to a person's age, or otherwise, the period during which he may be detained in an approved school, shall be construed as affecting the provisions of the First Schedule to this Act relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return.

Provisions as to Contributions by Parents, Guardians and others and Local Authorities.

Contributions to be made by parents, &c., of children and young persons committed

31.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person, or for sending him to an approved school, it shall be the duty of the persons specified in this subsection to make contributions in respect of him, and that duty shall be enforceable in accordance with the provisions of the next succeeding section.

The persons liable to make contributions as aforesaid are the father or stepfather of the child or young person, his mother or stepmother, and any person who, at the date when any such order as aforesaid is made, is cohabiting with the mother of the child or young person, whether he is his putative father or not.

to the care of fit persons, or to approved schools.

(2) Where the child or young person has been committed to the care of a fit person not being a local authority, contributions under this section shall be payable to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person.

(3) Where the child or young person has been committed to the care of a local authority, or ordered to be sent to an approved school, the contributions shall be payable to the council of the county or county borough within which the person liable to make the contributions is for the time being residing, and shall be paid over by the council to the Secretary of State at such times and in such manner, but subject to such deductions in respect of the services rendered by the council, as may be prescribed.

(4) Any sums received by the Secretary of State under the last succeeding subsection shall be applied in such manner as the Treasury may direct as appropriations in aid of moneys provided by Parliament for the purposes of this Act.

Enforcement of duty of parent, &c., to make contributions.

32.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person or for sending him to an approved school, the court which makes it may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the person to be charged is for the time being residing may subsequently at any time, make an order (hereafter in this Act referred to as a "contribution order") on any person who is under the last preceding section liable to make contributions in respect of the child or young person, requiring him to contribute such weekly sum as the court having regard to his means think fit:

Provided that the total amount to be contributed for any week in respect of any one child or young person

Part II. —*cont.*

under contribution orders shall not (together with any sum payable in respect of that child or young person under an affiliation order with respect to which an order under the next succeeding section is in force) exceed such sum as may be prescribed, and for this purpose different sums may be prescribed in relation to different circumstances and, in the case of children sent to approved schools, in relation to different schools or classes of school.

(2) A contribution order may, if the child or young person is committed to the care of a fit person not being a local authority, be made on the application of that fit person and may, if the child or young person is committed to the care of a local authority, or ordered to be sent to an approved school, be made on the application—

(*a*) in the case of an order applied for at the time when the child or young person is so dealt with, of the local authority to whose care he has been committed, or who are named in the approved school order, as the case may be;

(*b*) in the case of an order applied for subsequently, of the council of the county or county borough entitled to receive contributions.

(3) A contribution order shall remain in force, in the case of a child or young person committed to the care of a fit person, so long as the order for his committal is in force, and in the case of a child or young person ordered to be sent to an approved school, until he ceases to be under the care of the managers of such a school:

Provided that no contributions shall be payable under a contribution order in respect of any period during which the child or young person is out on licence, or under supervision from such a school.

(4) Subject to the provisions of this subsection—

(*a*) a contribution order shall be enforceable as an affiliation order and the enactments relating to the enforcement of affiliation orders shall apply accordingly, subject to any necessary modifications; and

(*b*) section thirty of the Criminal Justice Administration Act, 1914 (which contains provisions as to orders for the periodical payment of money

Part II. —*cont.*

made by courts of summary jurisdiction) shall apply to every contribution order whether the court which made it was, or was not, a court of summary jurisdiction;

but any powers conferred by any of the enactments aforesaid on any justices or courts of summary jurisdiction shall be exercisable, and exercisable only, by justices and courts of summary jurisdiction having jurisdiction in the place where the person liable is for the time being residing.

(5) A person on whom a contribution order is made shall, if he changes his address, forthwith give notice thereof to the person who was, immediately before the change, entitled to receive the contributions and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding two pounds.

Provision as to affiliation orders.

33.—(1) Where a child or young person who is ordered by a court to be committed to the care of a fit person or to be sent to an approved school, is illegitimate, and an affiliation order for his maintenance is in force, that court may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the putative father is for the time being residing may subsequently at any time, order the payments under the affiliation order to be paid to the person who is from time to time entitled under the foregoing provisions of this Part of this Act to receive contributions in respect of the child or young person.

Applications for orders under this subsection may be made by the persons by whom, and in the circumstances in which, applications for contribution orders may be made.

(2) Where an order made under this section with respect to an affiliation order is in force—

(*a*) any powers conferred on any justices or courts of summary jurisdiction by the enactments relating to the enforcement of affiliation orders or by section thirty of the Criminal Justice Administration Act, 1914, shall as respects the affiliation order in question be exercisable, and exercisable only, by justices and courts of summary jurisdiction having jurisdiction in the

Part II. —*cont.*

place where the person liable is for the time being residing;

(*b*) any sums received under the affiliation order shall be applied in like manner as if they were contributions received under a contribution order;

(*c*) if the putative father changes his address, he shall forthwith give notice thereof to the person who was immediately before the change entitled to receive payments under the order and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding two pounds;

4 & 5 Geo. 5. c. 6.

(*d*) section one of the Affiliation Orders Act, 1914 (which relates to the duties of collecting officers), shall not apply in relation to the affiliation order, but nothing in this paragraph shall affect any powers of any court under section thirty of the Criminal Justice Administration Act, 1914, to order payments to be made through an officer of the court or any other specified person or officer.

(3) The making of an order under this section with respect to an affiliation order shall not, where the putative father was, at the date of the order committing the child or young person to the care of a fit person or ordering him to be sent to an approved school, cohabiting with the mother of the child or young person, be taken to relieve him from his obligation under the foregoing provisions of this Part of this Act to make contributions in respect of the child or young person, except to the extent of any sums actually paid under the affiliation order to the person entitled to receive contributions.

(4) The making of an order under this section with respect to an affiliation order shall not extend the duration of that order, and that order shall not in any case remain in force (except for the purpose of the recovery of arrears)—

(*a*) in the case of a child or young person committed to the care of a fit person, after the order for his committal has ceased to be in force;

(b) in the case of a child or young person ordered to be sent to an approved school, after he has been released from his school, either absolutely, or on licence or under supervision:

Provided that, where an affiliation order would, but for the provisions of this subsection have continued in force, the mother, or any person entitled to make an application for an order under section three of the Affiliation Orders Act, 1914, may apply to a court of summary jurisdiction having jurisdiction in the place where she or he is for the time being residing, for an order that the affiliation order may be revived, and that payments thereunder may until the expiration thereof be made to the applicant at such rate (not exceeding the maximum rate allowed by the law in the case of affiliation orders) as may be proper, and the court may make such an order accordingly, and where such an order is so made, any power to vary, revoke or again revive the affiliation order or any part thereof, being a power which would but for the provisions of this subsection be vested in the court which originally made the affiliation order, shall be exercisable, and exercisable only, by the court which made the order under this subsection.

Miscellaneous provisions as to contribution orders.

34.—(1) The Secretary of State may in his discretion remit the whole or any part of any payment ordered under either of the two last preceding sections to be made to a person entitled to receive contributions in respect of a child or young person.

(2) Where, by virtue of an order made under either of the two last preceding sections, any sum is payable to the council of a county or county borough, the council of the county or county borough in which the person liable under the order is for the time being residing shall be entitled to receive and give a discharge for, and, if necessary, enforce payment of, any arrears accrued due under the order, notwithstanding that those arrears may have accrued at a time when he was not resident in that county or county borough.

(3) In any proceedings under either of the two last preceding sections a certificate purporting to be signed by the clerk to a council for the time being entitled to receive contributions, or by some other officer of the

Part II. —*cont.*

council duly authorised in that behalf, and stating that any sum due to the council under an order is overdue and unpaid shall be evidence of the facts stated therein.

(4) Nothing in this or in the three last preceding sections shall apply in relation to an approved school order made on the application of a poor law authority in its capacity as such, but the sending of a child or young person to an approved school under such an order shall not affect any maintenance order made under section nineteen of the Poor Law Act, 1930, or any power of the poor law authority to obtain such an order, and for the purposes of the enactments relating to affiliation orders, the child or young person whilst under the care of the managers of the approved school shall be deemed to be still in receipt of relief.

20 & 21 Geo. 5. c. 16.

Contributions by local authorities in respect of persons sent to approved schools.

35.—(1) Subject to the provisions of this section, the local authority named in an approved school order as being the authority within whose district the person to whom the order relates was resident, or within whose district the offence was committed, or the circumstances arose rendering him liable to be sent to an approved school, shall make in respect of him, throughout the time during which he is under the care of the managers of an approved school, such contributions to the expenses of the managers of his school as may be prescribed and for this purpose different contributions may be prescribed in relation to different circumstances and in relation to different schools or classes of school.

(2) A court by whom an approved school order is made shall cause a copy thereof to be served forthwith on the local authority named in the order and, if that authority desire to contend that the person to whom the order relates was resident in the district of some other local authority, or was resident outside England, they may, by notice in writing given at any time within three months after the service upon them of the order, appeal—

(*a*) if the order was made by a petty sessional court, to a court of summary jurisdiction acting for the same petty sessional division or place; and

(*b*) if the order was made by a court which was not a petty sessional court, to a court of summary

Part II. —*cont.*

jurisdiction having jurisdiction in the place where that court sat, or in the place from which the person to whom the order relates was committed for trial,

and if, upon the hearing of the appeal, the court are satisfied that the person to whom the order relates was resident in the district of that other local authority, or was resident outside England, they may by order vary the approved school order by substituting therein the name of that other authority or, as the case may be, a statement that the said person was resident outside England.

Notice of any appeal under this subsection shall be given to the other local authority concerned, if any, and to the clerk of the court, and the clerk of the court shall give to the parties to the appeal fourteen days' notice of the date fixed by the court for the hearing thereof.

(3) Any person aggrieved by any order made under the preceding subsection may appeal to quarter sessions, and for the purposes of this subsection a refusal to make such an order shall be deemed to be an order.

(4) An order made under this section by a court of summary jurisdiction or by a court of quarter sessions shall have effect retrospectively as from the making of the approved school order, and all necessary payments by way of adjustment shall be made accordingly.

(5) The foregoing provisions of this section shall not apply in relation to an approved school order which—

(*a*) is made on the application of a poor law authority in its capacity as such; or

(*b*) is made by reason of the commission of an offence under section one hundred and eighteen of the principal Act (which relates to the punishment of vagrants preventing children receiving education); or

(*c*) relates to a child or young person stated in the order to have been resident outside England,

but in the first mentioned case the poor law authority on whose application the order is made shall, throughout the periods during which the child or young person belongs to either of the following classes of persons, that is to say—

(i) persons under the care of the managers of an approved school, not being persons out on licence or under supervision;

(ii) persons out on licence or under supervision from an approved school,

make such contributions in respect of him to the expenses of the managers of his school as the Secretary of State may determine to be reasonable, regard being had to the average expenses of the managers (including establishment and administrative expenses) fairly attributable to persons belonging to the class in question.

Detention in Approved Schools by Order of Secretary of State.

Power of Secretary of State to send certain offenders to approved schools.

36. The Secretary of State may by order direct that—

(*a*) a person who is under the age of eighteen years and is undergoing detention in a Borstal institution; or

(*b*) a child or young person with respect to whom he is authorised to give directions under section one hundred and four of the principal Act (which section provides for the detention of children and young persons convicted of certain serious crimes in such places as the Secretary of State may direct); or

(*c*) a young person who has been sentenced to imprisonment and has been pardoned by His Majesty on condition of his agreeing to undergo training in a school,

shall be transferred or sent to and detained in an approved school specified in the order.

Application of Act to persons detained in schools

37.—(1) An order of the Secretary of State under the last preceding section shall be an authority for the detention of the person in question until such date as may be specified in the order.

under order of Secretary of State.

(2) The date to be specified in the order shall, in the case of a person who was undergoing detention in a Borstal institution, or was sentenced to detention under the said section one hundred and four, be a date not later than the date on which his detention would have expired and not later than the date on which he will, in the opinion of the Secretary of State, attain the age of nineteen years.

(3) The date to be specified in the order shall, in the case of a young person who has been sentenced to imprisonment and pardoned as aforesaid, be a date not more than three years from the date as from which his sentence began to run and not later than the date on which he will, in the opinion of the Secretary of State, attain the age of nineteen years; but if, when his period of detention is about to expire, the managers of his school are satisfied that he needs further care or training and cannot without it be placed in suitable employment, they may, if the Secretary of State consents, detain him for a further period not exceeding six months, so however that he is not detained beyond the date on which he will, in the opinion of the Secretary of State, attain the age of nineteen years.

(4) Nothing in this section limiting by reference to a person's age or otherwise the period during which he may be detained in an approved school, shall be construed as affecting the provisions of the First Schedule to this Act relating to persons guilty of misconduct in schools, or of escaping, running away or refusing to return.

Supplemental.

Provision of remand homes by councils of counties and county boroughs.

38.—(1) It shall be the duty of the council of every county and county borough to provide for their area remand homes, which may be situate either within or without the area, and for that purpose they may arrange with the occupiers of any premises for the use thereof, or may themselves establish, or join with the council of another county or county borough in establishing, such homes.

(2) The authority or persons responsible for the management of any institution other than a prison may, subject in the case of an institution supported wholly or

Part II. —*cont.*

partly out of public funds to the consent of the Government department concerned, arrange with the council of a county or county borough for the use of the institution, or any part thereof, as a remand home upon such terms as may be agreed.

(3) A child or young person who may lawfully be remanded in custody to any place situated within a county or county borough may be so remanded to any remand home, wherever situate, which is provided under this section for that county or county borough.

(4) Section one hundred and eight of the principal Act (which relates to the provision of places of detention) is hereby repealed, and references in that or any other Act to places of detention shall be construed as references to remand homes provided under this section, and the expression "place of safety" in the principal Act and this Act shall include a remand home so provided.

(5) Nothing in this section shall be construed as requiring a council to provide additional remand homes for their area so long as any places of detention provided under the principal Act and available for use by the council as remand homes remain suitable for that purpose and sufficient for the needs of the area.

Escapes from remand homes, and from the care of fit persons.

39.—(1) A child or young person who escapes from a remand home may be apprehended without warrant and brought back thereto.

(2) A child or young person who runs away from any person with whom he has been boarded out by a local authority under the provisions of this Act may be apprehended without warrant and brought back to that person, or to such other person as the local authority direct.

(3) A child or young person who runs away from a person to whose care he has been committed under the provisions of this Act may be apprehended without warrant and brought back to that person, if he is willing to receive him and, if he is not willing to receive him, may be brought,

(*a*) if the order committing him to the care of that person was made by a petty sessional court, before a juvenile court acting for the same petty sessional division or place as that court; or

(*b*) in any other case, before a juvenile court having jurisdiction in the place where he was residing immediately before he ran away,

and that court may make any order with respect to him which they might have made if he had been brought before them as being a child or young person who, having no parent or guardian, was beyond control.

(4) Any person who knowingly—

(*a*) assists or induces a child or young person to escape from a remand home, or to run away from a person with whom he has been boarded out by a local authority, or to whose care he has been committed under this Act; or

(*b*) harbours or conceals a child or young person who has so escaped or run away, or prevents him from returning,

shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

Evidence of orders.

40. A document purporting to be a copy of an order made by any court under, or by virtue of, any provision of this Part of this Act or of an affiliation order referred to in any such order as aforesaid shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order.

Appeals to quarter sessions under this Part of this Act.

41.—(1) Where an order is made by a court of summary jurisdiction under this Part of this Act—

(*a*) committing a child or young person to the care of a fit person; or

(*b*) requiring a child or young person to be sent to an approved school; or

(*c*) placing a child or young person under the supervision of a probation officer or other person; or

Part II. —*cont.*

(*d*) requiring a person to enter into a recognisance to exercise proper care and guardianship over a child or young person; or

(*e*) requiring a person to contribute in respect of a child or young person; or

(*f*) requiring all or any part of the payments accruing due under an affiliation order to be paid to some other person,

the child or young person or his parent or guardian on his behalf or, as the case may be, the person required to enter into a recognisance, or the person required to contribute, or the person who would, but for the order, be entitled to the payments under the affiliation order, may appeal against the order to quarter sessions.

(2) Nothing in this section shall be construed as affecting any other right of appeal conferred by this or any other Act.

Definition of, and general provisions as to, "approved schools."

42.—(1) In this Act the expression "approved school" means a school approved by the Secretary of State in accordance with the provisions contained in the First Schedule to this Act.

(2) The provisions contained in the First Schedule to this Act shall apply in relation to approved schools and persons sent thereto.

Application of Act to existing reformatory and industrial schools, &c.

43.—(1) This Act shall apply in relation to a school which at the commencement of this Act is a certified reformatory school or a certified industrial school as if the certificate for the school were a certificate of approval issued under this Act.

(2) The Secretary of State may, if he thinks fit, approve for the purposes of this Act any school which, at the date of the passing of this Act, was a certified day industrial school, and if he so approves any such school, the provisions of this Act shall apply in relation to that school and to children previously sent, or thereafter to be sent, thereto, subject to such adaptations, modifications and exceptions as he may from time to time by order direct.

Part II. —*cont.*

Provision of approved schools by local authorities.

44.—(1) A local authority may, with the approval of the Secretary of State, undertake, or combine with any other local authority in undertaking, or contribute such sums of money upon such conditions as they may think fit towards, the purchase, establishment, building, alteration, enlargement, rebuilding or management of an approved school:

Provided that, before giving his approval, the Secretary of State shall satisfy himself that the proposed expenditure is reasonable and, where it is proposed to purchase, build or establish a new school, that there is a deficiency of approved school accommodation which cannot properly be remedied in any other way.

(2) In the event of a deficiency of approved school accommodation, it shall be the duty of every local authority concerned to take, either alone or in combination with other local authorities, appropriate steps under this section to remedy the deficiency.

Power to send children and young persons from Scotland, Northern Ireland, Isle of Man and Channel Islands to approved schools in Great Britain.

45.—(1) Any person detained in a school under the law in force in Scotland or Northern Ireland may, with the consent of the Secretary of State, be transferred by order of the competent authority in Scotland or Northern Ireland to an approved school in England designated for the purpose by the Secretary of State, and after delivery to the managers of that school may be dealt with and shall be subject to the provisions of this Act as if the order sending him to the school in Scotland or Northern Ireland were an approved school order made upon the same date by a juvenile court.

(2) The Secretary of State may at any time by order direct that a person who under the last preceding subsection has been transferred to an approved school in England from a school in Scotland or Northern Ireland, shall be retransferred to the last-mentioned school, or to such other school as may be specified by the competent authority in Scotland or Northern Ireland, and thereupon the managers of that school shall receive him accordingly.

(3) If under any law of the Isle of Man or of any of the Channel Islands a court is empowered to order children or young persons under seventeen years of age

Part II.—*cont.*

to be sent to approved schools in England and if by that law provision satisfactory to the Secretary of State is made—

(i) for the expenses of the conveyance of the children or young persons, and of their reconveyance when discharged, or released on licence;

(ii) for contributions towards the expenses of the managers of the school; and

(iii) for the contribution (if any) to be made by the parent or person legally liable to maintain a child or young person so sent, and the mode in which such contribution is to be raised,

a child or young person with respect to whom such an order is made by a court under the said law may be received into such approved school as the Secretary of State may direct, and after delivery to the managers of that school may be dealt with, and shall be subject to the provisions of this Act, as if the order sending him to the school were an approved school order made upon the same date by a juvenile court.

(4) A person so ordered by the competent authority in Scotland or Northern Ireland or by a court in the Isle of Man or the Channel Islands to be transferred or sent to an approved school in England, or so ordered by the Secretary of State to be retransferred to a school in Scotland or Northern Ireland, may be conveyed in the custody of any constable or other person acting under a warrant issued by the competent authority in Scotland or Northern Ireland, or by a court in the Isle of Man or the Channel Islands, or by the Secretary of State, as the case may be, to the school to which he is ordered to be transferred, sent or retransferred, and he shall during his conveyance to that school be deemed to be in legal custody.

(5) In this section the expression "competent authority" means, in relation to Scotland, the Scottish Education Department, and, in relation to Northern Ireland, the Minister of Home Affairs for Northern Ireland, or such authority or person as may be designated by the Parliament of Northern Ireland to exercise the powers conferred by this section on the competent authority in Northern Ireland.

PART III.

VOLUNTARY HOMES.

Notification of voluntary homes.

46.—(1) It shall be the duty of the person in charge of any institution to which this Part of this Act applies to send to the Secretary of State in accordance with the next succeeding subsection such particulars with respect to the institution as may be prescribed, and, if in the case of any such institution the prescribed particulars are not so sent, the person in charge shall on summary conviction be liable to a fine not exceeding five pounds and to a further penalty not exceeding twenty shillings in respect of each day during which the default continues after conviction.

(2) Such particulars as aforesaid shall be sent—

(*a*) in the case of an institution established before the commencement of this Act, before the expiration of three months from the commencement of this Act;

(*b*) in the case of an institution established after the commencement of this Act, before the expiration of three months from the establishment of the institution,

and thereafter, in the case of every institution, before such date in every year as may be prescribed.

(3) The institutions to which this Part of this Act applies are homes and other institutions for the boarding, care and maintenance of poor children or young persons, being institutions supported wholly or partly by voluntary contributions:

Provided that this Part of this Act shall not apply to any institution, house, or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, unless children or young persons who are not mental defectives within the meaning of those Acts are received therein.

Inspection of homes.

47.—(1) The Secretary of State may cause any institution to which this Part of this Act applies to be inspected from time to time, unless the institution is one which is, as a whole, otherwise subject to inspection by, or under the authority of, a Government department.

(2) The Secretary of State may, with the consent of the council of any county, county borough or county district, appoint officers of that council to conduct inspections under this section on his behalf.

(3) Any person appointed by the Secretary of State to inspect any such institution shall have power to enter the institution and to make any examination into the state and management thereof and the condition and treatment of the children and young persons therein which he thinks requisite, and any person who obstructs him in the execution of his duties shall be liable on summary conviction to a fine not exceeding five pounds, and a refusal to allow a person so appointed to enter the institution shall, for the purposes of the provisions of Part II of the principal Act relating to search warrants, be deemed to be a reasonable cause to suspect that a child or young person in the institution is being neglected in a manner likely to be injurious to his health.

Control over homes.

48.—(1) If the Secretary of State is satisfied that the management of any institution to which this Part of this Act applies, or the accommodation provided for, or the treatment of, the children and young persons therein, is such as to endanger their welfare, he may serve upon the persons responsible for the management of the institution such general or special directions with respect to the matters aforesaid, or any of them, as he thinks expedient for the welfare of the children and young persons in the institution.

A direction under this subsection—

(i) may be served on the persons responsible for the management of an institution by being delivered personally to any one of them, or by being sent, by post or otherwise, in a letter addressed to them or any of them at the institution;

(ii) may be varied by a subsequent direction, or withdrawn by the Secretary of State.

(2) Where any such direction is not complied with, a court of summary jurisdiction having jurisdiction in the place where the institution is situate may, on the complaint of any person appointed for the purpose by the Secretary of State, cause a summons to be served upon the person in charge of the institution and upon such other persons as the court may direct, and upon

the hearing of the summons may, if they think fit, make an order for the removal of all children and young persons from the institution:

Provided that—

(i) such an order shall not be made unless the court are satisfied that the welfare of some of the children or young persons is endangered;

(ii) the court may, if they think fit, order that the direction shall be deemed to be modified to such extent as may be specified in the order, and the direction shall have effect accordingly.

Any person aggrieved may appeal to quarter sessions against an order made under this subsection, and for this purpose a refusal to make any such order shall be deemed to be such an order.

(3) An order for the removal of all children and young persons from an institution shall operate as an authority to any person named in the order and to any constable to enter the institution and to remove the children and young persons therein to a place of safety, and where any persons are so removed, it shall be the duty of the local authority to maintain them in a place of safety until they can be restored to their relatives, or until other arrangements have been made with respect to them.

(4) Where an order has been made for the removal of all children and young persons from an institution, the institution shall not be used for the reception of children or young persons without the consent of the Secretary of State, and any person who knowingly permits it to be so used shall, on summary conviction, be liable to a fine not exceeding five pounds and to a further penalty not exceeding twenty shillings in respect of each day during which the user continues after conviction.

PART IV.

EMPLOYMENT.

Restrictions on employment of children.

49.—(1) No child under the age of twelve years shall be employed:

Provided that byelaws made under the next succeeding section may authorise the employment of children under the age of twelve years by their parents or guardians in light agricultural or horticultural work.

Part IV. —*cont.*

(2) No child shall be employed before the close of school hours on any day on which he is required to attend school:

Provided that byelaws made under the next succeeding section may authorise employment before the commencement of school hours on such a day for not more than one hour.

(3) No child shall be employed—

(*a*) before six a.m. or after eight p.m. on any day; or

(*b*) for more than two hours on any day on which he is required to attend school:

Provided that this subsection shall not prevent a child from taking part in an entertainment under and in accordance with the provisions of a licence granted and in force under this Part of this Act.

(4) No child shall be employed on any Sunday for more than two hours.

(5) No child shall be employed to lift, carry or move anything so heavy as to be likely to cause injury to him.

Power of local authority to make byelaws with respect to employment of children.

50.—(1) A local authority may make byelaws with respect to the employment of children, and any restriction contained in the byelaws shall have effect in addition to the restrictions contained in the last preceding section.

(2) Byelaws so made may distinguish between children of different ages and sexes and different localities, trades, occupations and circumstances, and may contain provisions—

(*a*) for modifying any restriction contained in subsection (1) or subsection (2) of the said section, so far as such modification is authorised by the subsection in question;

(*b*) for prohibiting absolutely the employment of children in any specified occupation;

(*c*) for prescribing—

(i) the age below which children are not to be employed;

(ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed;

(iii) the intervals to be allowed to them for meals and rest;

(iv) the holidays or half-holidays to be allowed to them;

(v) any other conditions to be observed in relation to their employment.

(3) No byelaw under this section shall prevent a child taking part in an entertainment under and in accordance with the provisions of a licence granted and in force under this Part of this Act.

Power of local authority to make byelaws with respect to employment of persons under eighteen.

51.—(1) Subject to the provisions of this section, a local authority may make byelaws with respect to the employment of persons under the age of eighteen years, but not being children.

(2) Byelaws so made may distinguish between persons of different ages and sexes, and different localities, trade, occupations and circumstances, and may contain provisions for prescribing—

(i) the number of hours in each day or in each week for which and the times of day at which they may be employed;

(ii) the intervals to be allowed to them for meals and rest;

(iii) the holidays or half-holidays to be allowed to them;

(iv) any other conditions to be observed in relation to their employment.

(3) Nothing in this section shall empower a local authority to make byelaws with respect to—

(*a*) employment in or about the delivery, collection, or transport of goods except in the capacity of van boy, errand boy or messenger;

(*b*) employment in or in connection with factories, workshops, mines, quarries, shops, or offices, not being employment in any capacity as aforesaid;

(*c*) employment in the building or engineering trades, not being employment in any such capacity as aforesaid;

(*d*) employment in agriculture;

(*e*) employment in domestic service, except as non-resident daily servant;

(*f*) employment in any ship or boat registered in the United Kingdom as a British ship, or in any British fishing boat entered in the fishing boat register.

(4) An order of the Secretary of State appointing a date for this section to come into operation shall be laid in draft before both Houses of Parliament, and the Secretary of State shall not make the order until the draft has been approved by resolutions passed in the same session of Parliament by both Houses of Parliament.

Street trading.

52.—(1) No person under the age of sixteen shall engage or be employed in street trading:

Provided that byelaws made under the next succeeding subsection may permit young persons who have not attained the age of sixteen to be employed by their parents in street trading.

(2) A local authority may make byelaws for regulating or prohibiting street trading by persons under the age of eighteen, and byelaws so made may distinguish between persons of different ages and sexes and between different localities, and may contain provisions—

(*a*) forbidding any such person to engage or be employed in street trading unless he holds a licence granted by the authority, and regulating the conditions on which such licences may be granted, suspended and revoked;

(*b*) determining the days and hours during which, and the places at which, such persons may engage or be employed in street trading;

(*c*) requiring such persons so engaged or employed to wear badges;

(*d*) regulating in any other respect the conduct of such persons whilst so engaged or employed.

Penalties and legal proceedings.

53.—(1) A person under the age of eighteen, who engages in street trading in contravention of the last preceding section, or of any byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding twenty shillings, or in the case of a second or subsequent offence, not exceeding forty shillings.

(2) If a person is employed in contravention of any of the preceding provisions of this Part of this Act

or of the provisions of any byelaw made thereunder, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds:

Provided that, if proceedings are brought against the employer, the employer, upon information duly laid by him and on giving to the prosecution not less than three days' notice of his intention, shall be entitled to have any person (other than the person employed) to whose act or default he alleges that the contravention was due, brought before the court as a party to the proceedings, and if, after the contravention has been proved, the employer proves to the satisfaction of the court that the contravention was due to the act or default of the said other person, that person may be convicted of the offence; and if the employer further proves to the satisfaction of the court that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(3) Where an employer seeks to avail himself of the proviso to the last preceding subsection,

(*a*) the prosecution shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his charge against the other person, and to call rebutting evidence; and

(*b*) the court may make such order as they think fit for the payment of costs by any party to the proceedings to any other party thereto.

Byelaws.

54.—(1) A byelaw made under this Part of this Act shall not have effect until confirmed by the Secretary of State and shall not be so confirmed until at least thirty days after the local authority have published it in such manner as the Secretary of State directs.

(2) Before confirming such a byelaw the Secretary of State shall consider any objections thereto which may be addressed to him by persons affected or likely to be affected thereby, and may order a local enquiry to be held, and where such an enquiry is held, the

Part IV. —*cont.*

person holding it shall receive such remuneration as the Secretary of State determines, and that remuneration and the expenses of the enquiry shall be paid by the local authority.

(3) Byelaws made under this Part of this Act may, without prejudice to any other method of proof, be proved in the like manner as that in which byelaws made under the Public Health Act, 1875, by a local authority, not being the council of a borough, may be proved, and section one hundred and eighty-six of that Act shall apply accordingly.

38 & 39 Vict. c. 55.

Restrictions on children taking part in entertainments.

55.—(1) Subject to the provisions of this section a child shall not, except under and in accordance with the provisions of a licence granted and in force under the next succeeding section, take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience.

(2) Subject as hereinafter provided and without prejudice to the provisions of this Part of this Act and any byelaws made thereunder with respect to employment, such a licence as aforesaid shall not be necessary for a child to take part in an entertainment if—

(i) he has not during the preceding six months taken part on more than six occasions in such entertainments as are mentioned in this section; and

(ii) the net proceeds of the entertainment are devoted to purposes other than the private profit of the promoters:

Provided that this subsection shall not apply in the case of an entertainment given in premises which are licensed for the sale of any intoxicating liquor unless either—

(*a*) those premises are also licensed for the public performance of stage plays or for public music, singing or dancing; or

(*b*) special authority for the child to take part in the entertainment has been granted in writing under the hands of two Justices of the Peace.

(3) Every person who causes or procures a child, or being his parent or guardian allows him, to take part in an entertainment in contravention of this section,

shall, on summary conviction, be liable to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

Part IV. —*cont.*

Licences for children to take part in entertainments.

56.—(1) Subject to such restrictions and conditions as may be prescribed by rules made by the Board of Education, a local authority may grant a licence for a child who has attained the age of twelve years and is residing in their area to take part in any specified entertainment or series of entertainments, whether within or without that area:

Provided that—

(i) no licence shall be granted unless the local authority is satisfied that the child is fit to take part in the entertainment, or series of entertainments, and that proper provision has been made to secure his health and kind treatment; and

(ii) no licence shall be granted in respect of any entertainment which is to take place on a Sunday.

(2) The holder of a licence under this section shall, at least seven days before the child takes part in any entertainment, furnish to the local authority within whose area the entertainment is to take place particulars of the licence and such other information as the Board of Education may by rules prescribe and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding five pounds.

(3) If any restriction or condition contained in a licence under this section is not observed, the licence may be revoked by any local authority within whose area any entertainment to which it relates has taken or is about to take place; and, subject to any restrictions and conditions prescribed by rules made by the Board of Education, any such licence may at the request of the holder of the licence be varied or extended by any such local authority as aforesaid.

(4) If the applicant for, or holder of, a licence under this section feels aggrieved by any decision of a local authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local authority by this section.

Part IV. —*cont.*

Provisions as to juveniles taking part in, and being trained for, dangerous performances.

57.—(1) No person under sixteen years of age shall take part in any public performance in which his life or limbs are endangered and every person who causes or procures such a person or, being his parent or guardian, allows him to take part in such a performance, shall be liable on summary conviction to a fine not exceeding ten pounds or, in the case of a second or subsequent offence, not exceeding fifty pounds, and the First Schedule to the principal Act shall have effect as if amongst the offences therein specified, there was included any offence under this subsection :

Provided that no proceedings shall be taken under this subsection except by, or with the authority of, a chief officer of police.

(2) No person under twelve years of age shall be trained to take part in performances of a dangerous nature, and no person under sixteen years of age shall be trained to take part in such performances except under and in accordance with the terms of a licence granted and in force under the next succeeding section.

(3) Every person who causes or procures a person, or being his parent or guardian, allows him, to be trained to take part in performances of a dangerous nature, in contravention of this section, shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

Licences for training juveniles to take part in dangerous performances.

58.—(1) A petty sessional court may grant a licence for a person who has attained the age of twelve years but is under sixteen years of age to be trained to take part in performances of a dangerous nature.

(2) An applicant for a licence under this section shall, at least seven days before making the application, give notice thereof to the chief officer of the police for the district in which the licence is to authorise the person in question to be trained and that officer may appear, or instruct some person to appear, before the court and show cause why the licence should not be granted, and no licence shall be granted unless the court is satisfied that notice has been so given.

(3) A licence under this section shall specify the place or places at which the person in question is to be

trained and shall embody such conditions as are, in the opinion of the court, necessary for the protection of the said person, but a licence shall not be refused if the court are satisfied that the said person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

(4) A licence under this section may, on cause being shown by any person, be revoked by a petty sessional court acting for the same petty sessional division or place as the court by which the licence was granted.

Powers of entry.

59.—(1) If it is made to appear to a justice of the peace by the local authority, or by any constable, that there is reasonable cause to believe that the provisions of this Part of this Act, or of a byelaw made thereunder, are being contravened with respect to any person, the justice may by order under his hand addressed to an officer of the local authority, or to a constable, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in an entertainment or performance, or being trained, and to make enquiries therein with respect to that person.

(2) Any authorised officer of the local authority or any constable may at any time during the currency of a licence granted under this Part of this Act enter any place where the person to whom the licence relates is authorised by the licence to take part in an entertainment or to be trained, and may make enquiries therein with respect to that person.

(3) Any person who obstructs any officer or constable in the due exercise of any powers conferred on him by or under this section, or who refuses to answer or answers falsely any enquiry authorised by or under this section to be made, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.

Interpretation of Part IV.

60. For the purposes of this Part of this Act—

a person who is attending a public elementary school and who attains the age of fourteen years during a school term shall not be deemed to cease to be a child until the end of that term;

the expression "performance of a dangerous nature" includes all acrobatic performances and all performances as a contortionist;

the expression "street trading" includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe-blacking and other like occupations carried on in streets or public places; and

a person who assists in a trade or occupation carried on for profit shall be deemed to be employed, notwithstanding that he receives no reward for his labour.

Repeal of Dangerous Performances Acts, 1879 and 1897, and of certain provisions of Part VIII of Education Act, 1921.

61. The Dangerous Performances Acts, 1879 and 1897, and the following provisions of the Education Act, 1921, that is to say, sections ninety to ninety-two (which relate to the employment of children and to street trading by children and young persons) and one hundred to one hundred and two (which relate to juveniles taking part in entertainments and being trained for dangerous performances) shall cease to have effect.

Savings.

62.—(1) Nothing in this Part of this Act shall affect the provisions of Part IV of the Education Act, 1921, with respect to school attendance, or the provisions of sections ninety-three, ninety-four and ninety-five of that Act with respect to the employment of children and young persons.

(2) Nothing in this Part of this Act shall apply to a person detained in an approved school.

(3) The foregoing provisions of this Part of this Act shall be in addition to and not in substitution for any enactments relating to employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.

(4) For the purposes of this Part of this Act and any byelaws made thereunder, a chorister taking part in a religious service or in a choir practice for a religious service, shall not, whether he receives any reward or not, be deemed to be employed.

Saving for British Broadcasting Corporation.

63. The provisions of this Part of this Act which impose restrictions on employment or on the taking part by children in entertainments, and the provisions of any byelaws made thereunder, shall not apply in relation to a person who has attained the age of twelve years taking part in a performance, whether of the nature of an entertainment or not, which is being broadcast by the British Broadcasting Corporation, so long as the public are not admitted thereto on payment.

Amendments of 3 & 4 Geo. 5. c. 7. 20 & 21 Geo. 5. c. 21.

64.—(1) The Children (Employment Abroad) Act, 1913 (in this section referred to as "the Act of 1913"), as amended by the Children (Employment Abroad) Act, 1930, shall have effect subject to the provisions of this section.

(2) The following subsection shall be substituted for subsection (2) of section one of the Act of 1913—

> "(2) A constable or any person authorised by a justice may take to a place of safety any person under the age of seventeen years who there is reason to believe is about to go out of the United Kingdom in contravention of the provisions of this Act, and a person so taken to a place of safety may be detained there until he can be restored to his relatives or until other arrangements can be made with respect to him."

(3) A licence granted under the Act of 1913 shall not be renewed under subsection (2) of section two of that Act unless the police magistrate is satisfied that the application for renewal is made by, or with the consent of, the parent or guardian of the young person.

(4) Where a person applies for the renewal of a licence granted under the Act of 1913, it shall not be necessary for him to give notice of his application in accordance with the provisions of subsection (3) of section two of that Act and, accordingly, in the said subsection the words "or the renewal of a licence," the words "or resided" the words "or renewed" and the words "or renew" shall be omitted.

(5) If upon any application under the said subsection (3) it appears that the notice for which that subsection provides was given less than seven days before the making of the application, the police magistrate may

Part IV. —*cont.*

nevertheless grant a licence, if he is satisfied that the officer to whom the notice was given has made sufficient inquiry into the facts of the case and does not desire to oppose the application.

(6) A police magistrate may at any time revoke a licence granted under the Act of 1913 for any cause which in his discretion he considers sufficient.

(7) A police magistrate may from time to time vary the terms of a licence granted under the Act of 1913 and, accordingly, in subsection (4) of section two of that Act (which relates to recognizances for the observance of restrictions and conditions contained in a licence) for the words " the grant or renewal of a licence " there shall be substituted the words " the grant, renewal or variation of a licence " and after the words " for the observance of the restrictions and conditions contained in the licence " there shall be inserted the words " or in the licence as varied."

(8) If in any case where a licence has been granted under the Act of 1913 it is proved to the satisfaction of a police magistrate that, by reason of exceptional circumstances, it is not in the interests of the person to whom the licence relates to require him to return to the United Kingdom at the expiration of the licence, then, notwithstanding anything in subsection (1) of section two of that Act or any restriction or condition attached to the licence, the magistrate may by order release all persons concerned from any obligation to cause that person to return to the United Kingdom.

(9) A police magistrate may renew or vary a licence granted under the Act of 1913 without requiring the attendance before him of the person to whom the licence relates, but subsection (6) of section two of that Act (which requires certain particulars to be sent to the Secretary of State when a licence is granted) shall apply also to the renewal or variation of a licence.

(10) Where, immediately before the expiration of the period limited by subsection (3) of section three of the Act of 1913 for instituting proceedings under that Act, any person against whom it is proposed to institute such proceedings is outside the United Kingdom, proceedings against him may be instituted at any time within six months after his return to the United Kingdom.

Part IV. —*cont.*

(11) The provisions of subsection (5) of section two of the Act of 1913 with respect to the admissibility of certain documentary evidence in any proceeding for enforcing a recognizance shall apply to all proceedings under the said Act.

(12) The powers conferred by the Act of 1913 and this section on a police magistrate shall in every case be exercisable by any of the following magistrates, that is to say—

(*a*) the chief magistrate of the metropolitan police courts;

(*b*) any magistrate of the metropolitan police court in Bow Street;

(*c*) any stipendiary magistrate appointed by Order in Council to exercise such jurisdiction.

An Order in Council under this subsection may be revoked by a subsequent order.

(13) This section extends to Northern Ireland.

PART V.

INFANT LIFE PROTECTION.

Amendment of s. 1 of the principal Act.

65.—(1) For subsections (1) to (3) of section one of the principal Act (which relate to notices to be given by persons receiving infants for reward) there shall be substituted the following subsections :—

"(1) Where a person undertakes for reward the nursing and maintenance of an infant under the age of nine years apart from its parents, or having no parents, he shall give notice in writing thereof to the local authority—

(*a*) in the case of an infant not already in his care, being the first infant proposed to be received by him for reward in the dwelling occupied or proposed to be occupied for the purpose, not less than seven days before he receives the infant;

(*b*) in the case of any other infant not already in his care, not less than forty-eight hours before he receives the infant; and

(*c*) in the case of an infant already in his care without reward, within forty-eight hours after entering into the undertaking :

Part V. —*cont.*

Provided that upon a charge in respect of a failure to give such notice as aforesaid, it shall be a defence for the defendant to prove that the infant was received by him upon an emergency and that notice was given by him within twelve hours thereafter.

For the purposes of this subsection, an undertaking shall be deemed to be an undertaking for reward if there is any payment or gift of money or money's worth, or any promise to pay or give money or money's worth, irrespective of whether there is any intention of making profit.

(2) The notice required by the preceding subsection shall state the name and sex of the infant, the date and place of its birth, the name of the person undertaking its nursing and maintenance, the dwelling within which it is to be, or is being, kept and the name of the person from whom it is to be, or was, received.

(3) Any reference in this Part of this Act to an infant in respect of whom such a notice as aforesaid is required to be given shall be construed as including a reference to an infant under the age of nine years with respect to whom such a notice has been given and who is still living apart from its parents, if any, with the person by whom the notice was given."

(2) Subsection (5) of the said section one (which imposes a duty on a person who receives an infant for reward to give to the local authority notice of its death or removal) shall be amended by the insertion after the words "local authority" of the words "and to the person from whom the infant was received."

(3) A person who at the commencement of this Act is nursing and maintaining for reward an infant under the age of nine years apart from its parents or having no parents, shall within one month after the commencement of this Act, give to the local authority in respect of that infant such a notice as is mentioned in subsection (2) of the said section one:

Provided that nothing in this subsection shall require a person to give such a notice in any case where a notice was given by him to the local authority on the first reception of the infant.

Powers of local authority to prevent over-crowding.

66. For section four of the principal Act (which enables a local authority to fix the number of infants who may be kept in any dwelling), the following section shall be substituted :—

> " 4. The local authority may fix the maximum number of infants under the age of nine years who may be kept in any dwelling in which there is any infant in respect of whom notice is required to be given under this Part of this Act and may also, if they think fit, impose conditions to be complied with so long as the number of infants kept in the dwelling exceeds a specified number.
>
> If the maximum number so fixed is exceeded, or if any condition so imposed is not complied with, a person who keeps in that dwelling an infant with respect to whom such a notice is required to be given as aforesaid, shall be guilty of an offence under this Part of this Act."

Removal of infants kept in unsuitable premises, or by unsuitable persons.

67.—(1) If an infant in respect of whom notice is required to be given under Part I of the principal Act is about to be received or is being kept—

(*a*) in any premises which are overcrowded, insanitary or dangerous; or

(*b*) by any person who, by reason of old age, infirmity, ill health, ignorance, negligence, inebriety, immorality or criminal conduct, or for any other reason, is unfit to have care of it; or

(*c*) in any premises or by any person in contravention of any of the provisions of the said Part I; or

(*d*) in an environment which is detrimental to the infant,

a court of summary jurisdiction may, on the complaint of the local authority, make an order directing the removal of the infant to a place of safety until it can be restored to its relatives, or until other arrangements can be made with respect to it; and, upon proof that there is imminent danger to the health or well-being of the infant concerned, a single justice may exercise the like power on the application of a visitor or other person appointed or authorised to execute the provisions of Part I of the principal Act, and, if need be, may exercise that power ex parte.

PART V. —*cont.*

(2) An order made under the foregoing subsection may be enforced by a constable, or by a visitor or other person appointed or authorised as aforesaid; and any person who refuses to comply with such an order upon its being produced, or who obstructs any such constable, visitor or person as aforesaid in the enforcement of the order, shall be guilty of an offence under Part I of the principal Act.

(3) The foregoing provisions of this section shall have effect in substitution for the provisions of section five of the principal Act.

Prohibition of anonymous advertisements offering to undertake care of infants.

68.—(1) No advertisement indicating that a person or society will undertake, or will arrange for, the nursing and maintenance of an infant under the age of nine years shall be published unless that person's name and residence, or, as the case may be, that society's name and office, are truly stated in the advertisement.

(2) Every person who knowingly publishes any advertisement in contravention of the provisions of this section shall be guilty of an offence under Part I of the principal Act.

Exemptions from Part I (Infant Life Protection) of principal Act.

69.—(1) The provisions of Part I of the principal Act shall not extend to any hospital, convalescent home or institution:—

(*a*) which is maintained by a Government department, local authority, or any other authority or body constituted by special Act of Parliament or Royal Charter; or

(*b*) to which a certificate of exemption from Part I of the principal Act has been granted by the local authority for the purposes of that Part (which certificate the local authority is hereby authorised to grant); or

(*c*) of which particulars are required to be, and are, transmitted annually to the Secretary of State under the provisions of the Part of this Act relating to voluntary homes; or

(*d*) which is an institution, house, or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, and in which no children or young persons who are not mental defectives within the meaning of those Acts are received.

(2) The provisions of the preceding subsection shall have effect in substitution for such of the provisions of section eleven of the principal Act as relate to the exemption of hospitals, convalescent homes, institutions and boarding schools from the operation of Part I of that Act.

Part V. —*cont.*

(3) The provisions of Part I of the principal Act shall not apply in relation to any mental defective who is, with the consent of the Board of Control, under care elsewhere than in an institution, a certified house, or an approved home.

PART VI.

MISCELLANEOUS AND GENERAL.

Raising the age of "young persons."

70.—(1) For the purposes of this and the principal Act the expression "young person" means a person who has attained the age of fourteen years and is under the age of seventeen years, and in the definitions of "young person" in section forty-nine of the Summary Jurisdiction Act, 1879, as amended by section one hundred and twenty-eight of the principal Act, and of "adult" in section twenty-four of the Criminal Justice Act, 1925, "seventeen" shall be substituted for "sixteen."

(2) In sections twelve, fourteen and forty-one of the principal Act (which relate respectively to the punishment for cruelty to children and young persons, the punishment of persons causing or allowing children or young persons to beg and the use by children and young persons of automatic machines for the sale of tobacco) for references to young persons there shall be substituted references to persons who have not attained the age of sixteen years but are not children.

Amendment of s. 14 of principal Act.

71. At the end of section fourteen of the principal Act (which relates to the punishment of persons who allow children to be in streets for the purpose of receiving, or inducing the giving of, alms) there shall be inserted the following subsection—

> "(3) If any person while singing, playing, performing or offering anything for sale in a street or public place has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms."

Part VI. —*cont.*

Amendment of s. 17 of principal Act.

72. Section seventeen of the principal Act which (as amended by the Children Act (1908) Amendment Act, 1910) makes provision for the punishment of any person who, having the custody, charge, or care of a girl under the age of sixteen years, causes or encourages the seduction, prostitution, or unlawful carnal knowledge of that girl, shall have effect as if in subsection (1) thereof after the words "unlawful carnal knowledge of" there were inserted the words "or the commission of an indecent "assault upon" and as if in subsection (2) thereof for the words "unlawful carnal knowledge (as the case may be) "of a girl" there were substituted the words "unlawful "carnal knowledge of, or the commission of an indecent "assault upon, a girl," and after the words "unlawfully "carnally known" there were inserted the words "or indecently assaulted."

Amendments of ss. 19 and 29 of principal Act.

73. Paragraph (*b*) of subsection (1) of section nineteen of the principal Act (which authorises a constable to arrest any person who has, or is believed to have, committed an offence of cruelty under Part II of the said Act, or any of the offences mentioned in the First Schedule to that Act) shall apply in relation to any offence under the said Part II or mentioned in the said Schedule, and section twenty-nine of the said Act (which provides for the admission of depositions of children or young persons upon the trial of a person for any such offence as aforesaid), shall apply in relation to any criminal proceedings (whether on indictment or not) for any offence under the said Part II or mentioned in the said Schedule.

Repeal of s. 26 of principal Act.

74. Section twenty-six of the principal Act (which confers certain powers on courts by or before which persons who are habitual drunkards are convicted of certain offences in relation to children and young persons) shall cease to have effect.

Amendment of Schedule I to principal Act.

75. The First Schedule to the principal Act shall have effect as if amongst the offences therein specified there was included any offence in respect of a child or young person under the Punishment of Incest Act, 1908.

Institution of proceedings by local or poor law authorities.

76.—(1) A local authority or a poor law authority may institute proceedings for any offence under any Part of the principal Act or of this Act.

(2) Any such authority may appear by their clerk or other officer duly authorised in that behalf in any proceedings instituted by them under any Part of the principal Act or of this Act.

Minor and consequential amendments of principal Act.

77. The amendments specified in the second column of the Second Schedule to this Act, being amendments of a minor or consequential nature, shall be made in the provisions of the principal Act mentioned in the first column of that schedule.

Miscellaneous amendments of the Probation of Offenders Act.

78.—(1) In subsection (5) of section six of the Probation of Offenders Act, 1907 (which relates to the powers of the court in a case where a person bound by a recognisance under the said subsection has failed to observe a condition of the recognisance) for the words "if "the case was one in which the court in the first instance "might, under section fifteen of the Industrial Schools "Act, 1866, have ordered the offender to be sent to a "certified industrial school and the offender is still apparently under the age of twelve years," there shall be substituted the words "if the case was one in which the "court had power to make an order sending him to an "approved school, and he is still under the age of "seventeen."

(2) Where the court before which any person is bound by his recognisance under the said Act to appear is a juvenile court, the attainment by him of the age of seventeen years shall not deprive that court of jurisdiction to enforce his attendance and deal with him in respect of any failure to observe the conditions of his recognisance or of jurisdiction to vary or discharge the recognisance.

(3) Notwithstanding anything in subsection (2) of section two of the said Act (as amended by section eight of the Criminal Justice Administration Act, 1914) it shall not be made a condition of a recognisance under the said Act that a child or young person shall reside in any institution unless, whilst so residing, he is to be employed, or to seek employment, outside the institution, or unless the institution is one which is subject to inspection by the Secretary of State.

(4) Where, after the commencement of this Act, it is made a condition of a recognisance that a child or young person shall reside in any institution, the court by which the probation order is made shall forthwith

PART VI. —*cont.*

give notice of the terms of the order to the Secretary of State; and where, whether before or after the commencement of this Act, such residence has been made a condition of a recognisance, the Secretary of State may at any time, if he considers that it is in the interests of the child or young person so to do, cause an application to be made to the court before which the child or young person is bound by his recognisance to appear, and thereupon that court may vary the conditions of the recognisance by excluding therefrom the condition as to residence, or by substituting the name of some other institution.

Amendment of Guardianship of Infants Act, 1925. 15 & 16 Geo. 5. c. 45.

79.—(1) The power of the court under section six of the Guardianship of Infants Act, 1925, to make orders regarding matters in difference between persons acting as joint guardians of an infant shall, where one of the said persons is the mother or father of the infant, include power—

(*a*) to make such orders regarding the custody of the infant and the right of access thereto of its mother or father as, having regard to the welfare of the infant, the court may think fit; and

(*b*) to order the mother or father to pay towards the maintenance of the infant such weekly or other periodical sum as, having regard to the means of the mother or father, the court may consider reasonable; and

(*c*) to vary or discharge any order previously made under the said section.

(2) The powers conferred on the court by subsection (4) of section five of the said Act, in cases where an appointed guardian is to be the sole guardian of an infant to the exclusion of its mother or father, may be exercised at any time and shall include power to vary or discharge any order previously made in virtue of those powers.

(3) In the said Act and in this section the expression "maintenance" shall include education.

(4) Any question as to the validity of any order made before the commencement of this Act under the Guardianship of Infants Act, 1925, shall be determined as if this Act had come into operation immediately after that Act.

Association of juveniles with adults in police station, courts, &c.

80. Arrangements shall be made for preventing a child or young person whilst detained in a police station, or whilst being conveyed to or from any criminal court, or whilst waiting before or after attendance in any criminal court, from associating with an adult, not being a relative, who is charged with any offence other than an offence with which the child or young person is jointly charged, and for ensuring that a girl (being a child or young person) shall whilst so detained, being conveyed or waiting, be under the care of a woman.

Prohibition against publication of certain matter in newspapers.

81.—(1) Subject as hereinafter provided, no newspaper report of any proceedings in a juvenile court, shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in those proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any child or young person so concerned in any such proceedings as aforesaid:

Provided that the court or the Secretary of State may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of this section to such extent as may be specified in the order.

(2) In the case of any court not being a juvenile court, the provisions of the preceding subsection (other than the proviso thereto) shall, if and so far as the court may so direct, apply in relation to any proceedings in that court which arise out of any offence against, or any conduct contrary to, decency or morality.

(3) Any person who publishes any matter in contravention of this section shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

Provisions as to local authorities.

82.—(1) Subject to the provisions of this Act as to the City of London, where any powers or duties are by this Act conferred or imposed on local authorities, those powers and duties shall, as respects children, be powers and duties of local education authorities for elementary education and, as respects other persons, be powers and duties of councils of counties and county boroughs:

Provided that—

(i) the attainment of the age of fourteen years by a person who has previously been ordered to

PART VI. —*cont.*

be sent to an approved school, or to be committed to the care of a fit person, shall not divest or relieve any local education authority for elementary education of any powers or duties in respect of him, or confer or impose any powers or duties in respect of him upon the council of any county or county borough;

(ii) the council of an urban district (whether a borough or not) who have under the Education Act, 1921, or the Acts repealed by that Act, relinquished in favour of the council of the county all their powers and duties as a local education authority for elementary education, shall for the purposes of this Act be deemed not to be a local education authority for elementary education, and their district shall for the purposes of this Act be deemed to be part of the area of the county council.

(2) A county council may arrange with the councils of urban districts, whether boroughs or not, within the county which are local education authorities for elementary education for the exercise and performance by those councils within their respective areas of such of the powers and duties of the county council under this Act and on such terms as to payment and otherwise, as may be agreed.

An arrangement under this subsection may provide for the exercise and performance of powers and duties by the urban district council either instead of, or as agents for, the county council, but notwithstanding anything in any such arrangement every county council shall remain accountable to the Secretary of State for all contributions paid in their county by parents and other persons in respect of persons committed to the care of local authorities or ordered to be sent to approved schools.

(3) Expenses incurred under this Act by a local education authority for elementary education, exclusive in the case of the council of a county or county borough of any expenses incurred by them in connection with remand homes or in their capacity of poor law authority, shall be defrayed as expenses of elementary education under the Education Act, 1921.

Part VI. —*cont.*

(4) Expenses incurred under this Act by the council of a county or county borough, exclusive of any expenses to be defrayed under the last preceding subsection as expenses of elementary education under the Education Act, 1921, shall be defrayed—

(*a*) in the case of expenses incurred by the council in their capacity of poor law authority, as expenses of administering the Poor Law Act, 1930; and

(*b*) in any other case, as expenses for general county purposes or, as the case may be, out of the general rate.

(5) A local authority may, for the purposes of their functions under this Act, acquire, dispose of, or otherwise deal with land—

(*a*) in the case of a county council, in like manner as for the purposes of their other functions, and subsection (3) of section sixty-four and section sixty-five of the Local Government Act, 1888, shall apply accordingly; 51 & 52 Vict. c. 41.

(*b*) in the case of the council of a county borough or urban district, in like manner as for the purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight of that Act shall apply accordingly. 38 & 39 Vict. c. 55.

(6) A local authority may borrow for the purposes of this Act—

(*a*) in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment, and in the case of any other county council, under and in accordance with section sixty-nine of the Local Government Act, 1888, as amended by the Local Government Act, 1929, and 2 & 3 Geo. 5. c. cv. 19 & 20 Geo. 5. c. 17.

(*b*) in the case of the council of a county borough or urban district, as for the purposes of the Public Health Acts, 1875 to 1926.

(7) Subject to the provisions of section four of the Education Act, 1921, which requires certain matters to be referred to education committees, a local authority may refer to a committee appointed for the purposes of this Act, or to any committee appointed for the purposes of

PART VI.—*cont.*

any other Act, any matter relating to the exercise by the authority of any of their powers under this Act and may delegate any of the said powers (other than any power to borrow money) to any such committee.

(8) A local authority, or a committee to whom any powers of a local authority under this Act have been delegated, may by resolution empower the clerk or the chief education officer of the authority to exercise in the name of the authority in any case which appears to him to be one of urgency any powers of the authority or, as the case may be, of the committee with respect to the institution of proceedings under this Act.

(9) Nothing in this section applies to the powers and duties of a local authority under Part I of the principal Act as amended by this Act.

Special provisions as to the City of London.

83. The powers and duties of a local authority under this Act as respects young persons, and as respects street trading and employment, shall, in the City of London, be powers and duties of the Common Council and any expenses of the Common Council shall be defrayed out of the general rate:

Provided that—

(i) the powers and duties of a local authority with respect to the granting of licences for children to take part in entertainments shall be powers and duties of the London County Council in their capacity of local education authority for elementary education; and

(ii) nothing in this section shall exempt the City of London from the liability to contribute towards the expenses incurred by the London County Council as local authority under the principal Act or this Act, but the London County Council shall in each year repay to the Common Council any contributions paid by the Common Council in respect of persons under the care of the managers of an approved school.

Power of Secretary of State to appoint inspectors.

84. The Secretary of State may appoint for the purposes of the enactments relating to children and young persons a chief inspector, and such number of inspectors to act under the direction of the chief inspector as the Treasury may approve, and may pay to the persons so appointed such remuneration and allowances as with the consent of the Treasury he may determine, and they shall perform such duties as the Secretary of State may from time to time direct.

Exercise of powers by Secretary of State.

85. An order or other act of the Secretary of State under this Act may be signified under the hand of the Secretary of State or an Under Secretary or Assistant Under Secretary.

Exchequer grants and expenses of Secretary of State.

86.—(1) There shall be paid out of money provided by Parliament—

(i) such sums on such conditions as the Secretary of State with the approval of the Treasury may recommend towards—

(*a*) the expenses of the managers of an approved school;

(*b*) the expenses of a local authority in respect of children and young persons committed to their care;

(*c*) the expenses of a council of a county or county borough in respect of remand homes;

(ii) any sums by which any education grants under any other Act are increased by reason of the additional powers and duties conferred or imposed by this Act upon local education authorities for elementary education;

(iii) any expenses incurred by the Secretary of State in the administration of this Act.

(2) The conditions on which any sums are paid under this section towards the expenses incurred in connection with the provision of a site for, or with the erection, enlargement, improvement or repair of, an approved school, may include conditions for securing the repayment in whole or in part of the sums paid in the event of the school ceasing to be an approved school, and, notwithstanding anything in the constitution of the school or of the managers thereof, or in the trusts, if any, to which the property of the school or of the managers is subject, the managers and any persons who are trustees of any of the said property may accept those sums on those conditions, and execute any instrument required for carrying into effect those conditions, and shall be bound by those conditions and by any instrument so executed and have power to fulfil the conditions and the obligations created by the instrument.

PART VI. —*cont.*

Interpretation and construction of references.

87.—(1) In this Act unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"Chief Officer of Police" means with respect to the city of London, the Commissioner of the City Police, and elsewhere has the same meaning as in the Police Act, 1890;

53 & 54 Vict. c. 45.

"Metropolitan police court area" means the area consisting of the police court divisions for the time being constituted under the Metropolitan Police Courts Acts, 1839 and 1840;

"Needing care or protection" in relation to a child or young person brought or to be brought before a court, means falling within any of the descriptions mentioned in subsection (1) of section nine of this Act;

"Poor law authority" means the council of a county or a county borough, and includes also a joint committee of two or more such councils established under section three of the Poor Law Act, 1930;

"Prescribed" means prescribed by regulations made by the Secretary of State; and

"The principal Act" means the Children Act, 1908.

(2) References in this Act to findings of guilty and findings that an offence has been committed shall be construed as including references to pleas of guilty and admissions that an offence has been committed.

(3) References in any Act or other document to reformatory schools or industrial schools and to youthful offenders and children sent thereto or detained therein shall be construed as including references to approved schools and to children and young persons sent thereto or detained therein, and references in any Act or other document to orders committing a child or young person to the care of a fit person under any of the provisions of the principal Act shall be construed as including references to orders of the like nature made under Part II of this Act.

(4) References in any Act or other document to juvenile courts under the principal Act shall be construed as including references to such courts under this Act.

Transitory provisions, and repeals. 52 & 53 Vict. c. 63.

88.—(1) Without prejudice to the provisions of the Interpretation Act, 1889, with respect to repeals, the transitory provisions set out in the Third Schedule to this Act shall, notwithstanding anything in this Act, have effect in relation to things done before, or in process of being done at, the commencement of this Act under any enactments repealed or amended by this Act.

(2) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Application to Scotland.

89.—(1) This Act shall apply to Scotland subject to the adaptations and modifications specified in the Fifth Schedule to this Act.

(2) A copy of this Act as applying to Scotland by virtue of the provisions of the last preceding subsection, but with this section and the said Fifth Schedule omitted therefrom, shall be prepared and certified by the Clerk of the Parliaments as if it were a separate Act which had received the Royal Assent on the same day as this Act and shall be deposited with the Rolls of Parliament, and thereupon this Act shall cease to apply to Scotland and the Act as certified as aforesaid shall take effect as a separate Act of the present session and may be cited as the Children and Young Persons (Scotland) Act, 1932, and may be printed as a separate Act by the Printers to His Majesty as a chapter of the statutes of the session distinguished by the number next following the number of the chapter assigned to this Act.

Short title, construction, commencement and extent. 20 & 21 Geo. 5. c. 21.

90.—(1) This Act may be cited as the Children and Young Persons Act, 1932, and the Children Acts, 1908 to 1913, the Children (Employment Abroad) Act, 1930, and this Act may be cited together as the Children and Young Persons Acts, 1908 to 1932.

(2) This Act shall be construed as one with the principal Act except that this Act shall not, save as otherwise expressly provided, extend to Northern Ireland.

(3) This Act shall come into operation on such date as the Secretary of State may appoint, and the Secretary of State may appoint different dates for different purposes and different provisions of this Act.

SCHEDULES.

Section 42.

FIRST SCHEDULE.

PROVISIONS WITH RESPECT TO APPROVED SCHOOLS AND PERSONS SENT THERETO.

Approval of Schools.

1. The managers of any school intended for the education and training of persons to be sent there in pursuance of this Act may apply to the Secretary of State to approve the school for that purpose, and the Secretary of State may, after making such inquiries as he thinks fit, approve the school for that purpose and issue a certificate of approval to the managers.

2. If at any time the Secretary of State is dissatisfied with the condition or management of an approved school, or considers its continuance as an approved school unnecessary, he may by notice served on the managers withdraw the certificate of approval of the school as from a date specified in the notice, not being less than six months after the date of the notice, and upon the date so specified (unless the notice is previously withdrawn) the withdrawal of the certificate shall take effect and the school shall cease to be an approved school:

Provided that the Secretary of State, instead of withdrawing the certificate of approval, may by a notice served on the managers of the school prohibit the admission of persons to the school for such time as may be specified in the notice, or until the notice is revoked.

3. The managers of an approved school may, on giving six months' notice in writing to the Secretary of State of their intention so to do, surrender the certificate of approval of the school, and at the expiration of six months from the date of the notice (unless the notice is previously withdrawn), the surrender of the certificate shall take effect, and the school shall cease to be an approved school.

4. No person shall in pursuance of this Act be received into the care of the managers of an approved school after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of intention to surrender the certificate;

but the obligations of the managers with respect to persons under their care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.

1st Sch. —*cont.*

5. The Secretary of State shall cause any grant of a certificate of approval of an approved school, and any notice of the withdrawal of, or intention to surrender, such a certificate, to be advertised within one month from the date thereof in the London Gazette.

6.—(1) The production of a copy of the London Gazette containing a notice of the grant, or of the withdrawal or surrender, of a certificate of approval of an approved school shall be sufficient evidence of the fact of a certificate having been duly granted to the school named in the notice, or of the withdrawal or surrender of such a certificate.

(2) The grant of a certificate of approval of an approved school may also be proved by the production of the certificate itself, or of a document purporting to be a copy of the certificate and to be authenticated as such by an Under-Secretary of State or Assistant Under-Secretary.

Classification and Administration of Schools.

7. The Secretary of State may classify approved schools according to the age of the persons for whom they are intended, the character of the education and training given therein, the religious persuasion of the persons for whom they are intended, their geographical position, and otherwise as he thinks best calculated to secure that a person sent to an approved school is sent to a school appropriate to his case, or as may be necessary for the purposes of this Act.

8.—(1) The Secretary of State may make rules for the management and discipline of approved schools, and different rules may be made as respects different schools or classes of school.

(2) The managers of an approved school may make supplementary rules for the management and discipline of the school, but rules so made shall not have effect unless approved by the Secretary of State.

9. No substantial addition to, or diminution or alteration of, the buildings or grounds of an approved school shall be made without the approval in writing of the Secretary of State.

10. The managers of any approved school may, as part of the expenses of the management of the school, pay, or contribute towards the payment of—

(i) a superannuation allowance or gratuity—

(*a*) to any officer who retires by reason of old age or permanent infirmity of mind or body;

1st Sch. —*cont.*

(*b*) to any officer, who, in accordance with the terms of his appointment, is required to vacate his office by reason of the death, or the retirement on account of old age or permanent infirmity, of another officer;

(ii) a gratuity to any dependant of an officer who has died in the service of the school:

Provided that no payment or contribution in respect of any such superannuation allowance or gratuity shall be made unless it is made in accordance with rules approved by the Secretary of State with the concurrence of the Treasury for regulating the grant of such allowances and gratuities, or unless it is specially sanctioned by the Secretary of State.

11.—(1) In the case of an approved school established or taken over by a local authority, or by a joint committee representing two or more local authorities, the local authority or, as the case may be, the joint committee, shall, for the purposes of this Act, be deemed to be the managers of the school, and in the case of any other approved school, the persons for the time being having the management or control thereof shall be deemed to be the managers.

(2) Any notice or other document required or authorised by this Act to be served on the managers of an approved school may, if those managers are a local authority or a joint committee, be served either personally or by post upon their clerk, and in any other case, may be served either personally or by post upon any one of the managers, or their secretary, or the headmaster of the school.

(3) An order, licence or other document may be authenticated on behalf of the managers of an approved school, if they are a local authority or a joint committee, by the signature of their clerk or some other officer of the local authority duly authorised in that behalf and, in any other case, by the signature of one of the managers, or their secretary, or the headmaster.

Treatment of Pupils.

12. A minister of the religious persuasion to which a person in an approved school belongs may visit him at the school on such days, at such times, and on such conditions, as may be fixed by rules made by the Secretary of State, for the purpose of affording him religious assistance and instruction.

13. If it appears to the managers of an approved school that a person who has been ordered to be sent to their school requires medical attention before he can properly be received into the school, or that a person detained in the school requires such attention, they may make arrangements for him to be received into and detained in any hospital, home or other institution

where he can receive the necessary attention; and that person, whilst so detained, shall for the purposes of this Act be deemed to be under the care of the managers of the school, and shall, for the purposes of section nine of the Mental Deficiency Act, 1913, be deemed to be detained in the school. 1st Sch. —*cont.* 3 & 4 Geo. 5. c. 28.

14. At any time during the period of a person's detention in an approved school the managers of the school may grant leave to him to be absent therefrom in the charge of such person and for such period as they think fit, but during such leave he shall, for the purposes of this Act, be deemed to be under the care of the managers of the school, and the managers may at any time require him to return to the school.

15.—(1) At any time during the period of a person's detention in an approved school the managers of the school may and, if the Secretary of State so directs, shall by licence in writing permit him to live with his parent, or with any trustworthy and respectable person (to be named in the licence) who is willing to receive and take charge of him:

Provided that, without the consent of the Secretary of State, a licence shall not be granted during the first twelve months of the period of a person's detention.

(2) The Secretary of State shall through his inspectors review the progress made by persons detained in approved schools with a view to ensuring that they shall be placed out on licence as soon as they are fit to be so placed out.

(3) The managers of the school may at any time by order in writing revoke any licence, and require the person to whom it relates to return to the school.

(4) For the purposes of this Act a person who is out on licence from an approved school shall be deemed to be under the care of the managers of the school.

16.—(1) A person sent to an approved school shall after the expiration of the period of his detention be under the supervision of the managers of his school—

(*a*) if at the expiration of that period he has not attained the age of fifteen years, until he attains the age of eighteen years:

(*b*) if he has at the expiration of that period attained the age of fifteen years, for a period of three years or until he attains the age of twenty-one years, whichever may be the shorter period.

(2) The managers may, and, if the Secretary of State so directs, shall, by notice in writing recall to the school any person under their supervision who is at the date of the recall under the age of nineteen years:

Provided that a person shall not be so recalled unless in the opinion of the managers, or, as the case may be, of the Secretary of State, it is necessary in his interests to recall him.

1st Sch. —*cont.*

(3) A person who has been so recalled shall be released as soon as the managers think that he can properly be released, and in no case shall he be detained—

(*a*) after the expiration of a period of three months, or of such longer period not exceeding six months as the Secretary of State may, after considering the circumstances of his case, direct; or

(*b*) after attaining the age of nineteen years.

(4) The managers shall forthwith notify the Secretary of State of the recall of any person and shall state the reasons for his recall, and when the managers release any person so recalled they shall forthwith notify the Secretary of State that they have done so.

(5) For the purposes of this Act a person who is out under supervision from an approved school shall be deemed to be under the care of the managers of the school.

(6) Nothing in this paragraph fixing by reference to a person's age or otherwise the date at which he is to be released from an approved school, shall be construed as affecting the provisions of this Schedule relating to persons guilty of misconduct in schools or of escaping, running away, or refusing to return.

17.—(1) Subject as hereinafter provided, all rights and powers exercisable by law by a parent shall as respects any person under the care of the managers of an approved school be vested in those managers:

Provided that, where a person out on licence or under supervision from an approved school is lawfully living with his parents or either of them, the said rights and powers shall be exercisable by the parents or, as the case may be, by the parent with whom he is living; but it shall be their, or his, duty so to exercise those rights and powers as to assist the managers to exercise control over the person in question.

(2) The managers of an approved school shall be under an obligation to provide for the clothing, maintenance and education of the persons under their care, except that while such a person is out on licence, or under supervision, their obligation shall be to cause him to be visited, advised and befriended and to give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

18. If a person under the care of the managers of an approved school conducts himself well, the managers of the school may, with his written consent, apprentice or place him in any trade, calling, or service, including service in the Navy, Army or Air Force, or may, with his written consent and with the written consent of the Secretary of State, arrange for his emigration.

Before exercising their powers under this paragraph the managers shall, in any case where it is practicable so to do, consult with the parents of the person concerned.

Powers of Officers.

19. Every person who—

(*a*) is authorised by the managers of an approved school to take charge of a person under their care, or to apprehend such a person and bring him back to the school; or

(*b*) is authorised by a local or poor law authority or, being a probation officer, is authorised by a court, to take to an approved school a person ordered to be detained therein,

shall, for the purposes of his duty as aforesaid, have all the powers, protection, and privileges of a constable.

Offences.

20. If a person detained in an approved school is guilty of serious misconduct, the managers, if authorised by the Secretary of State so to do, may bring him before a court of summary jurisdiction and that court may order him—

(*a*) if he is under the age of sixteen years, to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or

(*b*) if he has attained the age of sixteen years but is under the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years; or

(*c*) if he has attained the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for two years, or to be imprisoned for three months.

21.—(1) Any person who has been ordered to be sent to an approved school and who—

(*a*) escapes from the school in which he is detained, or from any hospital, home or institution in which he is receiving medical attention; or

(*b*) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave, or upon the revocation of his licence; or

(*c*) being absent from his school under supervision, fails to return to the school upon being recalled,

may be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be brought before a court of summary jurisdiction having jurisdiction where he is found, or where his school is situate; and that court may order him—

(i) if he is under the age of sixteen years, to be brought back and to have the period of his detention in the

1ST SCH. —*cont.*

school increased by such period not exceeding six months as the court may direct; or

(ii) if he has attained the age of sixteen years, but is under the age of seventeen years, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years; or

(iii) if he has attained the age of seventeen years, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for two years.

(2) Where a person is under the provisions of the preceding sub-paragraph brought back to his school, the period of his detention shall, over and above any increase ordered by a court under those provisions, be increased by a period equal to the period during which he was unlawfully at large.

(3) The expenses of bringing a person back to a school shall be borne by the managers of the school.

(4) If any person knowingly—

(*a*) assists or induces a person to commit any such offence as is mentioned in sub-paragraph (1) of this paragraph; or

(*b*) harbours or conceals a person who has committed such an offence, or prevents him from returning,

he shall, on summary conviction, be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) If a court of summary jurisdiction is satisfied by information on oath that such an offence as aforesaid has been committed and that there is reasonable ground for believing that some person named in the information could produce the offender, the court may issue a summons requiring that person to attend at the court on such day as may be specified in the summons, and to produce the offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on summary conviction to a fine not exceeding five pounds.

22.—(1) Where a child or young person has been ordered to be sent to an approved school, any person who harbours or conceals him after the time has come for him to go to his school shall on summary conviction be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(2) Where a person authorised to take a child or young person to an approved school is, when the time has come for him to go to his school, unable to find him or unable to obtain

possession of him, a court of summary jurisdiction may, if satisfied by information on oath that some person named in the information can produce the child or young person, issue a summons requiring the person so named to attend at the court on such day as may be specified in the summons and produce the child or young person and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on summary conviction to a fine not exceeding five pounds.

1st Sch. —*cont.*

Transfer and Discharge.

23.—(1) The Secretary of State may at any time order a person under the care of the managers of an approved school to be discharged, or to be transferred to the care of the managers of another school, or with the consent of the Scottish Education Department, to the care of the managers of a school in Scotland which is an approved school within the meaning of the Children and Young Persons (Scotland) Act, 1932.

(2) Upon a person being so discharged or transferred as aforesaid, the Secretary of State shall cause notice to be sent to the local authority liable to make contributions in respect of him.

(3) Where a person is transferred under the preceding provisions of this paragraph to the care of the managers of a school in Scotland, the provisions of this Act relating to contributions by parents, guardians and others, and local authorities, shall apply in respect of him as if the school in Scotland were an approved school within the meaning of this Act, and if under the law in force in Scotland he is retransferred to the care of the managers of a school in England which is an approved school within the meaning of this Act, this Act shall have effect in relation to the retransfer as if it were a transfer under this paragraph from the care of the managers of one approved school in England to the care of the managers of another approved school in England.

24. Where a person detained in an approved school is transferred to the care of the managers of another school, he shall be conveyed to his new school by and at the expense of the managers of the first-mentioned school.

Obligations of Managers.

25. The managers of an approved school shall be bound to accept any person who in pursuance of this Act is sent or transferred to their school or otherwise to their care, unless—

(i) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or

1st Sch. —*cont.*

(ii) the school is a school provided by a local authority which is not, or by a combination of local authorities no one of which is, liable to make contributions in respect of the person whom it is proposed to send or transfer; or

(iii) the managers of the school satisfy the Secretary of State that there are already as many persons detained in that school, or, as the case may be, otherwise under their care, as is desirable.

Religious Teaching.

26.—(1) A court, or the Secretary of State, in determining the approved school to which a person is to be sent or transferred shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(2) Where an order has been made for sending or transferring a person to an approved school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian or nearest adult relative may apply—

(*a*) if the order was made by a court of summary jurisdiction, to a juvenile court acting for the same petty sessional division or place; and

(*b*) in any other case, to the Secretary of State,

to remove or send the person to an approved school for persons of his religious persuasion, and the court or Secretary of State shall, on proof of his religious persuasion, and, notwithstanding any declaration with respect thereto embodied in the approved school order, if any, relating to him, comply with the request of the applicant:

Provided that—

(i) the application must be made before, or within thirty days after, the person's arrival at the school; and

(ii) the applicant must name a school for persons of the religious persuasion in question and show to the satisfaction of the court or Secretary of State that the managers thereof have accommodation available; but

(iii) nothing in this sub-paragraph shall be construed as preventing any such person as aforesaid from making an application to the Secretary of State after the expiration of the said period of thirty days to exercise any other power of transfer conferred upon him by this Act.

SECOND SCHEDULE.

Section 77.

Minor and Consequential Amendments of Principal Act.

Section of Principal Act.	Nature of Amendment.
S. 1 - -	In subsection (4) for the words "If a person who has undertaken the nursing and maintenance of any such infant changes his residence, he shall within forty-eight hours thereof" there shall be substituted the words "If a person who is maintaining an infant in respect of whom notice is required to be given under this Part of this Act changes his residence, he shall at least seven days before so doing"; for the words "he shall give" there shall be substituted the words "he shall at least seven days before so moving give"; and at the end of the subsection there shall be inserted the words "Provided that, where an immediate change of residence is necessitated by any emergency, a notice under this subsection may be given at any time within forty-eight hours after the change of residence." In subsection (5) for the words "forty-eight hours" there shall be substituted the words "twenty-four hours." In subsection (7) for the words "within the time specified" shall be substituted the words "before the latest time specified," and at the end of the subsection the following words shall be inserted: "For the purposes of any enactment by which the time for taking proceedings is limited, an offence under this subsection shall be deemed to continue so long as the infant in respect of whom a notice ought to have been given remains in the care of the offender without any notice having been given".
S. 2 - -	In subsection (2) the words "of either sex," in both places where those words occur, shall be omitted; for the words "referred to in any notice given" there shall be substituted the words "in respect of whom notice is required to be given"; for the words

2ND SCH. —*cont.*

Section of Principal Act.	Nature of Amendment.
	"proper nursing and maintenance" there shall be substituted the words "health and well-being," for the words "their nursing and" there shall be substituted the words "the care of their health and their," and at the end of the subsection there shall be added the words "Where a local authority appoint or authorise "one person only to act under this subsection, "that person and, where they so appoint or "authorise two or more persons, one at least "of those persons, shall be a woman." In subsection (6) for the word "seven" there shall be substituted the word "nine," and the words "house or" shall be omitted.
S. 3 - -	In paragraph (*c*) after the word "or" there shall be inserted the words "of any offence of cruelty."
S. 8 - -	For subsection (2) the following subsection shall be substituted :— "(2) Any notice by this Part of this Act required to be given to a local authority may be sent by post in a registered letter addressed to them or their Clerk at their offices or to some other officer of the local authority, duly authorised in that behalf: any notice so required to be given to a coroner may be sent by post in a registered letter addressed to him at his office or at his residence, and any notice so required to be given to any other person may be sent by post in a registered letter addressed to him at his last known place of abode or permanent address."
S. 9 - -	In subsection (2) for the words from "and be applied" to the end of the subsection, there shall be substituted the words "and credited "by them to the fund or rate out of which "their expenses under this Part of this Act "are to be defrayed."
S. 12 - -	In subsection (1) for the words "over the age of sixteen years" there shall be substituted the words "who has attained the age of sixteen years and," and after the words "any child or young person" there shall be inserted the words "under the age of sixteen years."

2nd Sch. *—cont.*

Section of Principal Act.	Nature of Amendment.
	In subsection (4) for the words "over the age of sixteen" there shall be substituted the words "who has attained the age of sixteen years and is" and after the words "young person" there shall be inserted the words "under the age of sixteen years."
S. 13 - -	For the words "over sixteen years of age" there shall be substituted the words "who has attained the age of sixteen years."
S. 14 - -	In subsection (1) after the words "child or young person" in the first two places where those words occur there shall be inserted the words "under the age of sixteen years."
S. 15 - -	For the words "over the age of sixteen years" there shall be substituted the words "who has attained the age of sixteen years and".
S. 16 - -	In subsection (1) for the words "between the ages of four and sixteen" there shall be substituted the words "who has attained the age of four years and is under sixteen."
S. 19 - -	In paragraph (*b*) of subsection (1) for the words "an offence of cruelty" there shall be substituted the words "an offence under this Part of this Act."
S. 24 - -	In subsection (1) for the words "a court of summary jurisdiction," in both places where those words occur, there shall be substituted the words "a juvenile court," and the words from "and the court before whom" to the end of the subsection shall be omitted.
S. 28 - -	For the words from "to the clerk of the peace" to the end of the section there shall be substituted the words "to the clerk of the court "before which proceedings are pending in "respect of the offence".
S. 29 - -	For the words "on the trial of any person on indictment for an offence of cruelty" there shall be substituted the words "in any "proceedings in respect of an offence "under this Part of this Act"; and for the words from "and (*b*) if" to "that person or" there shall be substituted the words "Pro-"vided that the deposition shall not be ad-"missible in evidence against the accused

2nd Sch. —*cont.*

Section of Principal Act.	Nature of Amendment.
	“ person unless it is proved that reasonable notice of the intention to take the “ deposition has been served upon him, and “ that he or ”.
S. 30 - -	For the words from “ subject to the provisions of this Act be liable on summary conviction ” to the end of the section, there shall be substituted the words “ be liable on summary conviction “ to be dealt with as if he had been summarily “ convicted of an indictable offence punishable “ in the case of an adult with imprisonment.”
S. 32 - -	In subsections (1) and (2) there shall be inserted after the words “ the person charged shall not ” the words “ if he is summarily convicted.”
S. 40 - -	The words from “ and such constable ” to the end of the section shall be omitted.
S. 41 - -	For the words “ children or young persons ” there shall be substituted the words “ persons apparently under the age of sixteen.”
S. 94 - -	For the words “ sixteen years ” there shall be substituted the words “ seventeen years.”
S. 95 - -	For the words “ sixteen years ” there shall be substituted the words “ seventeen years ” and for the words “ place of detention provided under this Part of this Act ” there shall be substituted the words “ remand home.”
S. 97 - -	In subsection (1) for the words “ A court of summary jurisdiction ” there shall be substituted the words “ Any court,” for the words “ place of detention provided under this Part of this Act and ” there shall be substituted the words “ remand home,” and at the end of the subsection there shall be inserted the words “ and nothing in this subsection “ shall affect any power of a court of summary “ jurisdiction under section ten of the Criminal “ Justice Administration Act, 1914, to commit a person who has attained the age “ of sixteen years to prison until the next “ assizes or quarter sessions with a view to his “ being sentenced to detention in a Borstal “ institution ”; and in subsection (2) for the words “ revoked by any court of “ summary jurisdiction acting in or for the “ place in or for which the court which made

Section of Principal Act.	Nature of Amendment.
	"the order acted" there shall be substituted the words "revoked by the court which "made the order, or if application cannot conveniently be made to that court, by a court "of summary jurisdiction having jurisdiction "in the place where the court which made "the order sat."
S. 98 - -	In subsection (1) for the words "or where a "child is brought before a petty sessional "court on an application for an order to send "him to a certified industrial school" there shall be substituted the words "or is for any other reason brought before a court," and the words "and the person so charged or brought before the court is a child" shall be omitted. In subsection (2) after the word "arrested," where that word first occurs, there shall be inserted the words "or taken to a place of safety," and after the words "to which he is brought" there shall be inserted the words "or the person by whom he is taken to the place of safety."
S. 99 - -	Subsection (3) shall be omitted.
S. 102 - -	In subsection (3) for the words "place of detention provided under this Part of this Act" there shall be substituted the words "remand home."
S. 103 - -	For the words "a child or young person" there shall be substituted the words "a person under the age of eighteen years" and for the words "the child or young person" there shall be substituted the word "him."
S. 104 - -	For the words "no punishment which under the "provisions of this Act it is authorised to in- "flict is sufficient" there shall be substituted the words "none of the other methods in which the case may legally be dealt with is suitable."
S. 106 - -	For the words "place of detention provided under this Part of this Act and," there shall be substituted the words "remand home."
S. 109 - -	In subsection (1) for the words "place of detention provided under this Part of this Act" there shall be substituted the words "remand home," and for the words "place of detention" there shall be substituted the word "home";

2nd Sch. —*cont.*

Section of Principal Act.	Nature of Amendment.
	in subsection (2) for the words "place of detention" where they first occur, there shall be substituted the words "remand home," and the words "and if he escapes, may be apprehended without warrant and brought back to the place of detention in which he was detained" shall be omitted; and in subsection (3) for the words "places of detention," wherever they occur, there shall be substituted the words "remand homes," for the words "place of detention" there shall be substituted the words "remand home," and the words "provided under this Part of this Act," wherever they occur, shall be omitted.
S. 118 - -	In subsection (1) for the words "above the age" there shall be substituted the words "who has attained the age."
S. 120 - -	In subsection (1) for the words "the hours of closing" there shall be substituted the words "the hours during which intoxicating liquor is not permitted to be sold or supplied therein." In subsection (3) for the words "was apparently a person over the age" there shall be substituted the words "had apparently attained the age."
S. 121 - -	In subsection (1) the words "and access to any part of the building in which children are accommodated is by stairs" shall be omitted; for the words "any such part of the building than that part" there shall be substituted the words "the building or to any part of the building than the building or part of the building"; and for the words "to any such part whilst entering and leaving" there shall be substituted the words "whilst entering and leaving the building or any part of the building." In subsection (3) after the words "if the building in which the entertainment is given is licensed," there shall be inserted the words "under the Cinematograph Act, 1909, or". At the end of subsection (4) there shall be inserted the words "and an officer authorised for the purpose by an authority by whom licences

2nd Sch.—*cont.*

Section of Principal Act.	Nature of Amendment.
	"are granted under any of the enactments referred to in the last preceding subsection shall have the like power of entering any building so licensed by that authority." In subsection (5) after the words "have taken place," there shall be inserted the words "is situate," and after the words "is licensed by the council of the county or county borough" there shall be inserted the words "under the Cinematograph Act, 1909, or".
S. 123 - -	In subsection (1) for the words "is of the age of sixteen years or upwards" there shall be substituted the words "has attained the age of seventeen years;" and in subsection (2) for the words "was under or above" there shall be substituted the words "was under or had attained," and for the words "to have been under or above," wherever those words occur, there shall be substituted the words "to have been under or to have attained."
S. 131 - -	For the definition of "young person" there shall be substituted the following definition— "The expression 'young person' means a person who has attained the age of fourteen years and is under the age of seventeen years"; in the definitions of "guardian" and "legal guardian" for the words "child, young person or youthful offender," wherever those words occur, there shall be substituted the words "child or young person"; in the definition of "place of safety" after the words "means any" there shall be inserted the words "remand home"; for the definition of "police authority" the following definition shall be substituted— "The expression 'police authority' means as respects the City of London, the Common Council, and elsewhere has the same meaning as in the Police Act, 1890"; and the definitions of "police fund" and "common fund" shall be omitted.

Section 88.

THIRD SCHEDULE.

Transitory Provisions.

1. Any rule, byelaw, warrant or licence under any enactment repealed and re-enacted, either with or without modifications, by this Act shall have the like effect, and the like proceedings may be had thereon and in respect thereof, as if it had been made, made and confirmed, or granted, under this Act:

Provided that this paragraph shall not apply to rules made under section fifty-four of the principal Act for the management and discipline of a certified school or to byelaws made under section ninety-one of the Education Act, 1921, with respect to street trading.

2. Any person who at the commencement of this Act is under section twenty of the principal Act being detained in a place of safety may be so detained until he can be brought before a juvenile court under this Act.

3. Nothing in this Act shall render invalid any summons pending at the commencement of this Act for bringing a child or young person before a petty sessional court with a view to his being committed under section twenty-one or under Part IV of the principal Act to the care of a relative or other fit person, or with a view to his being sent to a certified school, but the petty sessional court before whom the child or young person is brought under the summons, if it is constituted as a juvenile court, shall proceed as if he had been brought before them under this Act as being a child or young person needing care or protection, and if it is not constituted as a juvenile court, shall adjourn the case until it can be so constituted and shall then proceed as aforesaid.

4. Where before the commencement of this Act an order has been made under the principal Act or under section forty-five of the Education Act, 1921, committing a child or young person to the care of a relative or other fit person, this Act shall have effect in relation to the child or young person as if the order had been an order made under Part II of this Act:

Provided that notwithstanding anything in this Act the order shall not have effect for any longer period than the period for which it would have had effect if this Act had not passed.

5. Where a child or young person has at the commencement of this Act been ordered to be sent to a certified school but has not reached his school the like proceedings may be had and the

like things done for the purpose of securing that he is sent to a school and with respect to his custody in the meantime as might have been had or done if this Act had not passed.

3rd Sch. —*cont.*

6. Subject as hereafter provided in this Schedule, this Act shall apply in relation to persons who at or after the commencement thereof are lawfully detained in, or out on licence or under supervision from, or are absentees from, a certified school as if they were persons detained in or out on licence or under supervision from, or absentees from, an approved school under the provisions of this Act:

Provided that the periods for which such persons are liable to be detained in approved schools and to remain under the supervision of the managers shall (except so far as increased by virtue of the provisions of the First Schedule to this Act relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return when re-called) be such as if this Act had not passed.

7. Where a child or young person has before the commencement of this Act been ordered to be sent to a certified school, it shall be the duty of the local authority, if any, who under the principal Act was liable to provide for his reception and maintenance in the school to make such contributions in respect of him as would by this Act be required to be made if he had been sent to the school under an approved school order and they were the local authority named in that order as being the authority within whose district he was resident: and if in any such case as aforesaid—

(*a*) it has not been determined at the commencement of this Act who are the authority who are responsible as aforesaid; or

(*b*) proceedings might but for the passing of this Act have been had for varying a determination as to that question,

the like proceedings may be had for determining the question and for varying any determination in respect thereof as might have been had if this Act had not passed.

8. Where a child or young person has before the commencement of this Act been ordered to be sent to a certified school at the instance of a poor law authority or of the managers of a district poor law school, the poor law authority concerned shall be under the like obligation to make contributions to the expenses of the managers of the school as they would be under if he had been sent to the school by virtue of an approved school order made on their application in their capacity as a poor law authority.

3rd Sch. —*cont.*

9. Where before the commencement of this Act a child or young person has been committed to the care of a relative or other fit person or has been ordered to be sent to a certified school and an order is in force at the commencement of this Act requiring any person liable to maintain him to contribute to his maintenance, or requiring the whole or any part of any payment under an affiliation order to be paid to a person named in the order, this Act shall apply in relation to the order as if it had been made under this Act, and where the order provides for the making of payments to the chief inspector of reformatory and industrial schools, it shall, by virtue of this Act and without more, be deemed to provide that the payments shall be made to the council of the county or county borough within which the person liable to make the payments is from time to time resident.

10. Where in pursuance of section fifty-three of the principal Act a child has been boarded out by the managers of a certified school, this Act shall apply in relation to that child—

(*a*) if the managers are a local authority, as if he had been committed under this Act to their care and had been boarded out by them under this Act;

(*b*) if the managers are not a local authority, as if he were out on licence from the school.

11. Where before the commencement of this Act a child or young person has entered into a recognisance under the proviso to subsection (4) of section fifty-eight of the principal Act or under section sixty of the principal Act (which provide for the placing of certain children and young persons under the supervision of probation officers) the provisions of this Act with respect to the effect of orders under Part II of this Act placing children and young persons under the supervision of probation officers or other persons shall apply as if such an order had been made with respect to him, and the recognisance shall cease to have effect.

12. The repeal by this Act of the provisions of the principal Act relating to places of detention shall not render illegal the custody of a child or young person in such a place unless and until a remand home for the area in question has been provided in substitution therefor, and when such a home has been provided the children or young persons in custody in the place of detention shall be transferred to and kept in custody in the home.

FOURTH SCHEDULE.

Section 88.

Enactments repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
42 & 43 Vict. c. 34.	The Children's Dangerous Performances Act, 1879.	The whole Act.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	Section ten; in subsection (2) of section eleven the words " by the evidence," and in subsection (3) of section seventeen the words from " unless the parent or guardian " to the end of the subsection.
60 & 61 Vict. c. 52.	The Dangerous Performances Act, 1897.	The whole Act.
8 Edw. 7. c. 59	The Prevention of Crime Act, 1908.	Section two.
8 Edw. 7. c. 67	The Children Act, 1908.	Subsections (1) to (3) of section one; sections four and five; in subsection (1) of section eleven the words from " or to hospitals " to the end of the subsection; subsection (8) of section twelve; sections eighteen, twenty to twenty-three, twenty-five, twenty-six, thirty-three and thirty-four; subsection (1) of section thirty-eight; sections forty-four to ninety-three, ninety-six, one hundred and seven, one hundred and eight, one hundred and ten and one hundred and eleven; in subsection (1) of section one hundred and eighteen the words " and shall, for the " purposes of the provisions " of this Act relating to the " descriptions of children who " may be sent to a certified " industrial school, be deemed " not to be exercising proper " guardianship over the child," and section one hundred and twenty-five.

4th Sch. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Geo. 5. c. 7.	The Children (Employment Abroad) Act, 1913.	Subsection (2) of section one, and in section four the definition of " police magistrate."
10 & 11 Geo.5. c. 68.	The Juvenile Courts (Metropolis) Act, 1920.	The whole Act.
11 Geo. 5. c. 4	The Children Act, 1921.	The whole Act.
11 & 12 Geo.5. c. 51.	The Education Act, 1921.	Sections eighty-nine to ninety-two; in subsection (1) of section ninety-six the words " or of " any byelaw made there- " under," and subsections (3) and (4) of that section; sections one hundred to one hundred and six; in subsection (1) of section one hundred and eight the words " or in any byelaw made thereunder " and subsection (2) of that section.

Section 89.

FIFTH SCHEDULE.

Adaptations and Modifications of this Act in its Application to Scotland.

1. In the title after the word " provision " there shall be inserted the words " in Scotland " and after the word " amend " there shall be inserted the words " in their application to Scotland."

2. Throughout the Act for the expression " petty sessional division or place " the word " place " shall be substituted, for the expression " London Gazette " the expression " Edinburgh Gazette " shall be substituted, and, except in section sixty-four and subsection (1) of section seventy-eight the word " bond " shall be substituted for the word " recognisance ".

5th Sch. —*cont.*

3. In the following provisions of the Act, that is to say :—

The provisions of Part II (except sections twenty-four, twenty-five, thirty-four, thirty-six, thirty-seven),

The First Schedule,

for the words " Secretary of State " the words " Scottish Education Department " shall be substituted.

4. In the following provisions of this Act, that is to say :—

The provisions of Parts II and IV except subsection (3) of section fifty-four,

Section eighty-six,

The First Schedule,

for the words " local authority " the words " education authority " shall be substituted; for the word " local " and the words " a local " used in relation to an authority the word " education " and the words " an education " shall be respectively substituted; for the expression " a local authority " the expression " an education authority " shall be substituted, and for the word " district " used in relation to a local authority the word " area " shall be substituted.

5. The Sections and Schedules specified in the first column of the following table shall be adapted and modified in the manner specified in the second column of that table :—

Section.	Adaptations and Modifications.
S. 1 -	In subsection (1) paragraph (ii) shall be omitted and the following paragraph shall be substituted :— " (ii) to hear proceedings under section seventy of the Education (Scotland) Act, 1872, or under section four of the Day Industrial Schools (Scotland) Act, 1893." and for the words " be deemed to be petty sessional " courts " the following words shall be substituted " for the purposes of such charges and proceedings " have the like jurisdiction as the sheriff " sitting as a court of summary jurisdiction, but " as regards power to award imprisonment to " impose a fine or to ordain the finding of caution " and in all other respects shall be deemed to be " justice of the peace courts of summary jurisdic- " tion."

Section. Adaptations and Modifications.

In subsection (2) the word "proceeding" shall be substituted for the word "application" and the word "and" and the following paragraph shall be added at the end:—

"(iii) nothing in this subsection shall affect the power of the Lord Advocate to order proceedings to be taken in the High Court of Justiciary or the sheriff court on any such charge as aforesaid."

Subsection (5) of the section shall be omitted and the following subsections shall be inserted after subsection (4):—

"(5) A juvenile court shall have jurisdiction to make an adoption order under the Adoption of Children (Scotland) Act, 1930, if either the applicant or the child resides at the date of the application within the area for which the court acts, and the provisions of the said Act shall apply as regards the juvenile court in like manner as they apply as regards the sheriff court.

(6) (*a*) This section shall not apply except in any area (being a county or a part of a county) to which the Secretary of State by order under his hand directs that the section shall apply, and any power or duty conferred on a juvenile court shall, as regards any place in which this section does not apply, be exerciseable by a court of summary jurisdiction, acting in pursuance of section one hundred and eleven of the principal Act.

(*b*) In this subsection the expression "county" includes a county of a city, and any burgh (not being a county of a city) shall be deemed to be included in and form part of the county in which it is situated.

(*c*) An order under this subsection may be varied or revoked by a subsequent order."

S. 2 - Subsection (1) shall be omitted.

In subsection (2) for the words "petty sessional division" there shall be substituted the words "area in which section one of this Act applies".

Section. — Adaptations and Modifications.

5th Sch. —*cont.*

In subsection (3) for the words " of the petty sessional divisions concerned " there shall be substituted the words " for any such areas as aforesaid " and for the words " petty sessional divisions " where those words subsequently occur, there shall be substituted the words " such areas " and for the words " petty sessional division " there shall be substituted the word " area ".

S. 3 - The section shall be omitted.

S. 4 - The section shall be omitted.

S. 5 - The section shall be omitted.

S. 6 - In subsection (1) for the words " Lord Chancellor " there shall be substituted the words " Lord Justice General " and the words " and of the Acts relating to indictable offences " shall be omitted.

S. 8 - For the section the following section shall be substituted :—

" *Laying of Rules before Parliament.*

" Any rule purporting to be made by the Lord " Chancellor under this Part of this Act shall be " laid before both Houses of Parliament as soon " as may be after it is made, if Parliament be " then sitting, or if Parliament be not then " sitting, within one month after the commence- " ment of the next Session of Parliament, and " shall be judicially noticed."

S. 9 - For the words " under the Punishment of Incest Act, 1908," there shall be substituted the words " which constitutes the crime of incest ".

S. 12 - For the section the following section shall be substituted :—

" *Powers of court in case of non-compliance with school attendance order.*

Section four of the Day Industrial Schools (Scotland) Act, 1893, shall have effect as if for the power thereby conferred on the court of summary jurisdiction to order a child to be sent to a certified day industrial school

Section.	Adaptations and Modifications.
	or to a certified industrial school, there were substituted a power to order the child to be sent to an approved school or to be committed to the care of a fit person, in accordance with the provisions of this Part of this Act."
S. 13	For the words "Criminal Justice Act, 1925," there shall be substituted the words "Probation of Offenders (Scotland) Act, 1931," and the words "and of persons not being probation officers named in probation orders" shall be omitted.
S. 15	The section shall be omitted.
S. 16	The section shall be omitted.
S. 18	Subsection (3) shall be omitted.
S. 20	The words "or before a justice or justices acting under the Indictable Offences Act, 1848" and the words "or justices" wherever occurring, and the words "justices or" shall be omitted, and for the words "petty sessional division" the words "probation area" shall be substituted.
S. 22	The proviso shall be omitted.
S. 28	For the word "England" wherever it occurs, the word "Scotland" shall be substituted.
S. 31	The word "putative" shall be omitted, for the words "council of the county or county borough within which" there shall be substituted the words "education authority within whose area," for the word "council" wherever after occurring there shall be substituted the word "authority" and there shall be inserted after the word "shall" in subsection (2), the following words "(except where " a direction for payment to an education authority " is given under subsection (3) of the immediately " succeeding section)".
S. 32	For the words "an affiliation order" the words "a decree for aliment" shall be substituted, and for the words "council of the county or county " borough" the words "education authority" shall be substituted.

Section.	Adaptations and Modifications.

The following subsections shall be inserted after subsection (2) :—

"( ) Where a contribution order has been made on any person to whom any pension or income capable of being arrested is payable, the court making the order may, at the same time, and any court of summary jurisdiction having jurisdiction in the place where such person is for the time being resident, may subsequently at any time, after giving the person by whom the pension or income is payable an opportunity of being heard, order that such part as the court may see fit of the pension or income be paid to the person who is for the time being entitled to receive the contributions under the contribution order. Any order made under this subsection shall be an authority to the person by whom the pension or income is payable to make the payment so ordered and the receipt of the person for the time being entitled to receive the contributions shall be a good discharge to the person by whom the pension or income is payable.

( ) Where a contribution order has been made in respect of a child or young person committed to the care of a fit person, not being an education authority, the court making the contribution order may at the same time, on the application of that person, and any court of summary jurisdiction having jurisdiction in the place where the person liable in payment of the contributions is for the time being resident, may subsequently at any time, on the like application, direct that the contributions shall, in lieu of being payable to the person to whose care the child or young person has been committed, be payable to the education authority within whose area the person liable in payment of the contributions is for the time being resident, and any sums received by that authority in pursuance of such direction shall be paid over to the person to whose care the child or young person has been committed and shall be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person."

5th Sch. —*cont.*

Section.	Adaptations and Modifications.
	The following subsection shall be substituted for subsection (4) :— "(4) A contribution order may be revoked or varied by any court of summary jurisdiction having jurisdiction in the place where the person liable is for the time being residing and shall be enforceable in like manner as a decree for aliment." In subsection (5) for the words "summary conviction" there shall be substituted the words "conviction by a court of summary jurisdiction".
S. 33 -	For the words "an affiliation order for his maintenance" the words "a decree for aliment in respect of him" shall be substituted; for the expression "the affiliation order" and the expression "an affiliation order" wherever subsequently occurring the expression "the decree for aliment" and the expression "a decree for aliment" shall be respectively substituted; the word "putative" shall be omitted; and for the words "summary conviction" there shall be substituted the words "conviction by a court of summary jurisdiction". Paragraphs (*a*) and (*d*) of subsection (2) and subsection (4) shall be omitted.
S. 34 -	In subsection (1) for the words "the Secretary of State may in his" there shall be substituted the following words, "The Secretary of State, in the case of a "child or young person committed to the care of a "fit person not being an education authority, and "the Scottish Education Department, in the case "of a child or young person committed to the care "of an education authority or ordered to be sent "to an approved school may in their", and for the words "a child" there shall be substituted the words "such child". In subsection (2) for the words "the council of a county or county borough" where those words first occur, there shall be substituted the words "an education authority"; for the words "council of the county or county borough in which" there shall be substituted the words "education authority in whose area"; and for the words "county or county borough" where subsequently occurring there shall be substituted the word "area".

5th Sch. —*cont.*

Section.	Adaptations and Modifications.
	In subsection (3) for the words "a council" there shall be substituted the words "an education authority" and for the word "council" where subsequently occurring there shall be substituted the word "authority". In subsection (4) all the words after "affect" shall be omitted and the following words shall be substituted, "any right of such authority to recover from any "person liable to maintain the child or young "person sums expended by the authority in ali-"menting him and for the purpose of any such "right the child or young person whilst under the "care of the managers of the approved school shall "be deemed to be still in receipt of relief."
S. 35 -	For the word "England" whenever it occurs, the word "Scotland" shall be substituted. In subsection (2) paragraphs (*a*) and (*b*) shall be omitted and the following words shall be substituted, "to the sheriff having jurisdiction in the place "where the court making the approved school "order sat" for the words "court are" the words "sheriff is" shall be substituted, and for the words "clerk of the court" wherever they occur, the words "sheriff clerk" shall be substituted. Subsection (3) shall be omitted, and in subsection (4) the words "by a court of summary jurisdiction or by a court of quarter sessions" shall be omitted.
S. 38 -	For the words "county borough" wherever they occur there shall be substituted the words "large burgh".
S. 39 -	For the words "petty sessional court" there shall be substituted the words "court of summary jurisdiction".
S. 40 -	For the words "an affiliation order" there shall be substituted "a decree for aliment" and the words "or decree" shall be added at the end of the section.
S. 41 -	The section shall be omitted.
S. 45 -	For the word "England" wherever it occurs the word "Scotland" shall be substituted; for the word "Scotland" wherever it occurs, the word "England" shall be substituted; and for the words "Scottish Education Department" the words "Secretary of State" shall be substituted.

5th Sch. —*cont*

Section.	Adaptations and Modifications.
S. 46 -	In subsection (1) for the words “summary conviction” there shall be substituted the words “conviction by a court of summary jurisdiction”. In subsection (3), for the words “house or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927,” there shall be substituted the words “or house certified by the General Board of Control for Scotland under the Mental Deficiency and Lunacy (Scotland) Act, 1913,” and for the words “those Acts” there shall be substituted the words “that Act”.
S. 47 -	In subsection (2) for the words “county borough or county district” there shall be substituted the words “or large burgh”. In subsection (3) for the words “summary conviction” there shall be substituted the words “conviction by a court of summary jurisdiction”.
S. 48 -	In subsection (2) all the words after “accordingly” shall be omitted. In subsection (4) for the words “summary conviction” there shall be substituted the words “conviction by a court of summary jurisdiction”.
S. 49 -	In subsection (2) for the word “required” there shall be substituted the words “under obligation”. The following subsection shall be substituted for subsection (3):— “(3) No child shall be employed before six a.m., and no child shall be employed after seven p.m. during the period from the first day of October to the thirty-first day of March, or after eight p.m. during the period from the first day of April to the thirtieth day of September.” The following subsection shall be substituted for subsection (4):— “(4) No child shall be employed for more than two hours either on any Sunday or on any day on which he is under obligation to attend school.”
S. 52 -	For the word “sixteen” wherever that word occurs, there shall be substituted the word “seventeen”.

5th Sch. —*cont.*

Section.	Adaptations and Modifications.
S. 53 -	For the words “ summary conviction ” wherever they occur there shall be substituted the words “ conviction by a court of summary jurisdiction ” and for the word “information” there shall be substituted the word “ complaint ”.
S. 54 -	For the words “ Public Health Act, 1875 ” there shall be substituted the words “ Public Health (Scotland) Act 1897 ” and for the words “ one hundred and eighty-six ” there shall be substituted the words “ one hundred and eighty-seven ” and the words “not being the council of a borough ” shall be omitted.
S. 55 -	For the word “ intoxicating ” there shall be substituted the word “ exciseable ” and for the words “ summary conviction ” there shall be substituted the words “ conviction by a court of summary jurisdiction ”.
S. 56 -	For the words “ Board of Education ” where these words first occur there shall be substituted the words “ Scottish Education Department, and without “ prejudice to the provisions of this Part of this “ Act with respect to employment ”, for the words “ Board of Education ” wherever they subsequently occur there shall be substituted the words “ Scottish Education Department ” and for the words “ summary conviction ” there shall be substituted the words “ conviction by a court of summary jurisdiction ”.
S. 57 -	The proviso to subsection (1) shall be omitted and in subsection (3) for the words “ summary conviction ” there shall be substituted the words “ conviction by a court of summary jurisdiction ”.
S. 58 -	For the words “ A petty sessional court ” there shall be substituted the words “ An education authority ” and for the word “ court ” wherever after occurring there shall be substituted the word “ authority ”. In subsection (4) all the words after “ revoked ” shall be omitted, and the words “ by the education authority which granted it ” shall be substituted.
S. 60 -	For the words from “ a person who is attending ” to the words “ end of that term ” the following words shall be substituted “the expression ‘ child ’ shall, “ as from such day as the Scottish Education “ Department may appoint, mean instead of a “ person under fourteen years of age, a person

5th Sch.—*cont.*

Section.	Adaptations and Modifications.
	" under fifteen years of age, and a child under " obligation to attend school shall be deemed to " attain the age of fourteen or fifteen on the date " prescribed for terminating school attendance " next succeeding the fourteenth or fifteenth " anniversary of his birth, as the case may be".
S. 61 -	All the words after " 1897 " shall be omitted and the following words shall be substituted: " sections " one to three of the Employment of Children Act, " 1903, and sections two and three of the Prevention of Cruelty to Children Act, 1904, shall cease " to have effect."
S. 62 -	For subsection (1) of the section, the following subsection shall be substituted:— "(1) Nothing in this Part of this Act shall affect the provisions of the Education (Scotland) Acts, 1872 to 1928, with respect to attendance at school or continuation classes."
S. 64 -	Subsection (13) shall be omitted.
S. 69 -	In subsection (1) for the words "house or home " certified or approved by the Board of Control " under the Mental Deficiency Acts, 1913 to 1927," there shall be substituted the words "or house " certified by the General Board of Control for " Scotland under the Mental Deficiency and Lunacy " (Scotland) Act, 1913," and for the words "those Acts" there shall be substituted the words "that Act". In subsection (3) all the words after "who is" shall be omitted and the following words shall be substituted "under guardianship in pursuance of " an order under the Mental Deficiency and Lunacy " (Scotland) Act, 1913."
S. 70 -	In subsection (1) all the words after " seventeen years" shall be omitted.
S. 72 -	The following words shall be added at the end of the section, "and as if after subsection (2) the following subsection were added:— "(3) The foregoing provisions of this section " shall apply to a contravention of section " four of the Criminal Law Amendment Act, " 1922, in like manner as they apply to an " indecent assault, and any reference to the " commission of such an assault or to being " indecently assaulted shall be construed " accordingly."

5th Sch. —*cont.*

Section.	Adaptations and Modifications.
S. 73	The words from "and section twenty-nine" to the end of the section shall be omitted.
S. 75	For the words "under the Punishment of Incest Act, 1908" there shall be substituted the words "which constitutes the crime of incest".
S. 76	For the words "any part of the principal Act or of this Act" the words "Part II of the principal Act" shall be substituted.
S. 82	For the section the following section shall be substituted :— *Provision as to local authorities.*—(1) Expenses incurred under this Act by an education authority shall be defrayed in like manner as expenses of the authority under the Education (Scotland) Acts, 1872 to 1928, and expenses incurred under this Act by a county or town council in their capacity as poor law authority shall be defrayed in like manner as expenditure for the relief of the poor. (2) Expenses incurred under this Act by a police authority shall be defrayed in like manner as expenditure for administration of the police, provided that in any burgh where such expenditure is under the law existing at the passing of this Act payable in whole or in part out of the burgh general assessment or out of any assessment or rate leviable on occupiers only, expenses incurred under this Act by the police authority of such burgh or any contribution to such expenses payable by the burgh by virtue of section twenty-one of the Local Government (Scotland) Act, 1929, shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the town council may determine. (3) Expenses incurred under this Act by a county or town council other than any expenses referred to in either of the last two foregoing subsections shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine. 4) A local authority or an education authority shall have power to borrow for the purpose

5TH SCH. —*cont.*

Section.	Adaptations and Modifications.
	of any powers or duties conferred or imposed on them by this Act, and the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, and, in the case of an education authority, of section forty-five of the Education (Scotland) Act, 1872, as amended by any subsequent enactment shall apply to the power hereby conferred. (5) A local authority or an education authority shall for the purposes of any powers or duties conferred or imposed on them by this Act have power to acquire, dispose of or otherwise deal with land in like manner as a local authority under the Housing (Scotland) Act, 1925, for the purposes of that Act, and sections fifty and fifty-one of, and the Third Schedule to, the said Act shall apply accordingly with the substitution of the Secretary of State or the Scottish Education Department, as the case may be, for the Board referred to in the said enactments or in any enactment applied by them. (6) A local authority, an education authority, a poor law authority, or a committee to whom any powers of any such authority under this Act have been delegated may, by resolution, empower the clerk or other officer of the authority to exercise in the name of the authority in any case which appears to be one of urgency any powers of the authority or, as the case may be, of the committee with respect to the institution of proceedings under this Act.
S. 83 -	The section shall be omitted.
S. 84 -	For the section, the following section shall be substituted :— *Powers of Secretary of State and Scottish Education Department to appoint inspectors.*—The Secretary of State and the Scottish Education Department may, for the purposes of their respective powers and duties under the enactments relating to children and young persons, appoint such number of inspectors as the Treasury may approve and may pay to the persons respectively appointed by them such remuneration and allowances as, with the

Section. Adaptations and Modifications.

consent of the Treasury, the Secretary of State or the Department, as the case may be, may determine, and the Department may authorise or require any of His Majesty's Inspectors of Schools to exercise any power or perform any duty which might be exercised or performed by any inspector appointed in pursuance of this section.

S. 85 - The following words shall be added at the end, " and " an order or other act of the Scottish Education " Department may be signified under the hand of " the Secretary or of an Assistant Secretary of the " Department."

S. 86 - In subsection (1) for the words " county borough " in paragraph (i) there shall be substituted the words " large burgh " ; paragraph (ii) shall be omitted, and in paragraph (iii) after the words " Secretary of State " there shall be inserted the words " or the Scottish Education Department ".

S. 87 - The following subsection shall be substituted for subsection (1) :—

> " (1) In this Act unless the context otherwise requires :—
>
> " Borstal Institution " means an institution established under Part I of the Prevention of Crime Act, 1908;
>
> " Chief Officer of Police " means Chief Constable;
>
> " Committed for Trial " means committed until liberation in due course of law;
>
> " Court of Summary Jurisdiction " means the sheriff or any two or more justices of the peace or any magistrate or magistrates by whatever name called officiating under the provisions of any general or local police Act;
>
> " Headmaster " includes superintendent;
>
> " Justice " and " Justice of the Peace " (except in Part I of this Act) include the sheriff and any such magistrate as aforesaid;

5th Sch. —*cont.* Section. Adaptations and Modifications.

"Large Burgh" has the like meaning as in the Local Government (Scotland) Act, 1929;

"Local Authority" and "Poor Law Authority" mean the council of a county or of a large burgh;

"Principal Act" means the Children Act, 1908, as that Act applies to Scotland;

"Needing care or protection" in relation to a child or young person brought or to be brought before a court means falling within any of the descriptions mentioned in subsection (1) of section nine of this Act;

"Police Authority" means a county council or the council of a burgh which maintains a separate police force;

"Prescribed" means prescribed by regulations made by the Secretary of State or by the Scottish Education Department according as the matter to be dealt with is within the powers of the Secretary of State or of the Department;

"Remand" means an order adjourning the proceedings or continuing the case and giving direction as to the detention in custody or liberation of a person during the period of adjournment or continuation and any reference to remanding a person or to remanding in custody shall be construed accordingly."

The following subsections shall be added after subsection (1) :—

"(2) For the purpose of any powers or duties which are by this Act conferred or imposed on county councils and on the councils of certain burghs only, all other burghs shall be included within the county.

Section.	Adaptations and Modifications.

(3) (*a*) for the purpose of any provision of this Act referring to a court acting for any place:—

(i) a court entitled to exercise jurisdiction in any place shall be deemed to be a court acting for that place;

(ii) the sheriff court, and the justice of the peace court for any county and the juvenile court for any area shall each be deemed to be a court acting for the same place as the burgh or police court of any burgh situated in that county or area, as the case may be;

(iii) the sheriff court for any county shall be deemed to be a court acting for the same place as the justice of the peace court for that county;

(iv) the juvenile court for any area being a county shall be deemed to be a court acting for the same place as the sheriff court or the justice of the peace court for that county;

and save as aforesaid no court shall be deemed to be a court acting for the same place as any other court:

(*b*) In this subsection the expression "county" includes a county of a city, and a burgh being a county of a city shall be deemed to be a burgh situated in the county of the city, and the sheriff court for any county means the sheriff court of the sheriffdom comprising the county."

S. 90 - In subsection (1) for the words "Children and Young Persons" wherever occurring there shall be substituted the words "Children and Young Persons (Scotland)" and after "1930" there shall be inserted the words "as those Acts apply to Scotland".

5TH SCH. —*cont.*

Section.	Adaptations and Modifications.
	In subsection (2) for all the words after the words "principal Act" the following words shall be substituted, "as that Act applies to Scotland."
Sch. I -	In paragraph 6 for all the words from "an Under Secretary" to the end of the paragraph there shall be substituted the words "the Secretary or an "Assistant Secretary of the Scottish Education "Department." In paragraph 13 for the words "section nine of the Mental Deficiency Act, 1913" there shall be substituted the words "section ten of the Mental Deficiency and Lunacy (Scotland) Act, 1913". In paragraph 22 for the words "summary conviction" in sub-paragraph (2) there shall be substituted the words "conviction by a court of summary jurisdiction". In paragraph 23 for the words "Scottish Educa-"tion Department" the words "Secretary of "State" shall be substituted; for the words "Children and Young Persons (Scotland)", the words "Children and Young Persons" shall be substituted; for the word "Scotland", wherever it occurs elsewhere, the word "England" shall be substituted; and for the word "England" wherever it occurs, the word "Scotland" shall be substituted.
Sch. II -	The paragraphs relating to sections nine, twenty-eight, twenty-nine and thirty of the principal Act shall be omitted, in the paragraph relating to section ninety-seven of the principal Act the words from "and at the end of the subsection" to the words "Borstal Institution" shall be omitted and the following paragraph shall be added at the end of the Schedule:—
S. 132 -	- In paragraph (16) for the words "as expenses "incurred by a town council under section "seventy-four of this Act" there shall be substituted the words "out of such rate "payable by owners and occupiers in equal "proportions as the council may determine".

5th Sch.—*cont.*

Section.	Adaptations and Modifications.
Sch. III	In paragraph 1 for the words “ section ninety-one of “ the Education Act, 1921, with respect to street “ trading ” there shall be substituted the words “ the Employment of Children Act, 1903.”
	In paragraph 3, for the word “ summons ” wherever it occurs there shall be substituted the word “ complaint ” for the words “ petty sessional court ” where those words first occur there shall be substituted the words “ court of summary jurisdiction ” and for the words “ the petty sessional court ” there shall be substituted the words “ in any area in which section one of this Act applies, the court ”.
	In paragraph 4, the words “ or under section forty-five of the Education Act, 1921 ” shall be omitted.
	In paragraph 7, for the words “ local authority ” where those words first occur there shall be substituted the words “ council or authority ”; for the words “ local authority ” where those words next occur there shall be substituted the words “ education authority ”; for the word “ district ” the word “ area ” shall be substituted, and for the word “ authority ” in sub-paragraph (*a*) there shall be substituted the words “ council or authority ”.
	In paragraph 8, for the words “ poor law authority “ or of the managers of a district poor law school, “ the poor law authority ” there shall be substituted the words “ county, town or parish council, the county or town council ”.
	In paragraph 9, for the words “ an affiliation order ” there shall be substituted the words “ a decree for aliment ”; for the words “ chief inspector of reformatory and industrial schools ” there shall be substituted the words “ Scottish Education Department ”; and for the words “ council of the county or county borough within which ” there shall be substituted the words “ education authority within whose area ”.
	In paragraph 10 for the words “ a local authority ” wherever they occur there shall be substituted the words “ a county, or town council or an education authority ”.

5th Sch. —*cont.*

Section.	Adaptations and Modifications.
Sch. IV	For this Schedule, there shall be substituted the following Schedule:—

FOURTH SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 78.	The Education (Scotland) Act, 1878.	Sections six to ten and twelve and thirteen.
42 & 43 Vict. c. 34.	The Children's Dangerous Performances Act, 1879.	The whole Act.
60 & 61 Vict. c. 52.	The Dangerous Performances Act, 1897.	The whole Act.
1 Edw. 7. c. 9	The Education (Scotland) Act, 1901.	Section two.
3 Edw. 7. c. 45	The Employment of Children Act, 1903.	The whole Act.
4 Edw. 7. c. 15	The Prevention of Cruelty to Children Act, 1904.	The whole Act.
8 Edw. 7. c. 59	The Prevention of Crime Act, 1908.	Section two.
8 Edw. 7. c. 67	The Children Act, 1908.	Subsections (1) to (3) of section one; sections four and five; in subsection (1) of section eleven the words from " or to hospitals " to the end of the subsection; subsection (8) of section twelve; sections eighteen, twenty to twenty-three, twenty-five, twenty-six, thirty-three and thirty-four; subsection (1) of section thirty-eight; sections forty-four to ninety-three, ninety-six, one hundred and seven, one hundred and eight, and one hundred and ten, and (as regards areas in which section one of this Act applies), section one hundred and eleven; in subsection (1) of section one hundred and eighteen the words " and " shall, for the purposes of the " provisions of this Act relating " to the descriptions of child- " ren who may be sent to a

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67		"certified industrial school, be "deemed not to be exercising "proper guardianship over the "child"; section one hundred and twenty-five; in section one hundred and thirty-two paragraph (1); in paragraph 9 the words "and in subsection "seven of section seventy-"four"; in paragraph (13) the proviso; in paragraph (17) the words from the beginning to "any pauper" and paragraphs (18) and (21).
3 & 4 Geo. 5. c. 7.	The Children (Employment Abroad) Act, 1913.	Subsection (2) of section one, and in section four the definition of "police magistrate."
8 & 9 Geo. 5. c. 48.	The Education (Scotland) Act, 1918.	Sections sixteen and nineteen, and in the Fifth Schedule paragraphs 2 and 4.
11 Geo. 5. c. 4	The Children Act, 1921.	The whole Act.

6. The following section shall be inserted after section eighty-seven of the Act:—

Power of Secretary of State may be transferred.

> It shall be lawful for the Secretary of State, with the consent of the Treasury, from time to time to make an order transferring to the Scottish Education Department or to the Department of Health for Scotland any power for the time being possessed by him under this Act (not being a power under Part I of this Act), and by such order to make any adjustment consequential on the transfer and to provide for any matter necessary or proper for giving full effect to the transfer, and, on any such order being made, the powers so transferred shall be exerciseable by the Scottish Education Department, or the Department of Health for Scotland, as the case may be.

7. Where any pronoun or verb is used in relation to an expression in the singular or the plural for which an expression in the plural or the singular, as the case may be, is directed by the foregoing provisions of this Schedule to be substituted, the plural of the pronoun or verb shall be substituted for the singular or the singular for the plural, as the case may be.

5th Sch. —*cont.*

8. A direction in this Schedule to substitute, in any provision of this Act, an expression in the singular for another expression in the singular shall have effect also as a direction to substitute for the second mentioned expression in the plural, wherever it occurs in such provision, the first-mentioned expression in the plural.

9. Where any section, or any subsection or paragraph of a section or Schedule, is by this Schedule or by section eighty-nine of this Act directed to be omitted or inserted, any subsequent sections or any subsequent subsections or paragraphs in the section or Schedule shall be renumbered to run consecutively.

CHAPTER 47.

An Act to make further and better provision in Scotland for the protection and welfare of the young and the treatment of young offenders; to amend in their application to Scotland the Children Act, 1908, and other enactments relating to the young; and for objects connected with the purposes aforesaid.

[12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Juvenile Courts.

Juvenile courts.

1.—(1) Courts of summary jurisdiction constituted as hereafter provided in this Part of this Act shall sit so often as is necessary for the following purposes, that is to say—

(i) to hear charges against children and young persons;

(ii) to hear proceedings under section seventy of the Education (Scotland) Act, 1872, or under section four of the Day Industrial Schools (Scotland) Act, 1893;

35 & 36 Vict. c. 62.
56 & 57 Vict. c. 12.

(iii) to exercise any other jurisdiction conferred on juvenile courts by this or any other Act;

and such courts so constituted and sitting for any such purpose shall be known as juvenile courts and, in whatever place sitting, shall for the purposes of such charges and proceedings have the like jurisdiction as the sheriff sitting as a court of summary jurisdiction, but as regards power to award imprisonment, to impose a fine or to ordain the finding of caution and in all other respects shall be deemed to be justice of the peace courts of summary jurisdiction.

A charge made jointly against a child or young person and a person who has attained the age of seventeen years shall, for the purposes of this section, not be treated as a charge against a child or young person.

(2) Subject as hereinafter provided no such charge or proceeding as is mentioned in the last preceding subsection shall be heard by a court of summary jurisdiction which is not a juvenile court:

Provided that—

(i) this subsection shall not apply where a child or young person is charged with an offence, and a person who has attained the age of seventeen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and

(ii) where in the course of any proceedings before any court of summary jurisdiction other than a juvenile court it appears that the person to whom the proceedings relate is a child or young person, nothing in this subsection shall be construed as preventing the court, if they think fit so to do, from proceeding with the hearing and determination of those proceedings; and

(iii) nothing in this subsection shall affect the power of the Lord Advocate to order proceedings to be taken in the High Court of Justiciary or the sheriff court on any such charge as aforesaid.

(3) A juvenile court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be a child or young person may, if they think fit so to do, proceed with the hearing

Part I. —*cont.*

and determination of the charge or application, notwithstanding that it is discovered that the person in question is not a child or young person.

(4) A juvenile court shall sit either in a different building or room from that in which sittings of courts other than juvenile courts are held, or on different days from those on which sittings of such other courts are held.

20 & 21 Geo. 5. c. 37.

(5) A juvenile court shall have jurisdiction to make an adoption order under the Adoption of Children (Scotland) Act, 1930, if either the applicant or the child resides at the date of the application within the area for which the court acts, and the provisions of the said Act shall apply as regards the juvenile court in like manner as they apply as regards the sheriff court.

(6) (*a*) This section shall not apply except in any area (being a county or a part of a county) to which the Secretary of State by order under his hand directs that the section shall apply, and any power or duty conferred on a juvenile court shall, as regards any place in which this section does not apply, be exerciseable by a court of summary jurisdiction, acting in pursuance of section one hundred and eleven of the principal Act.

(*b*) In this subsection the expression "county" includes a county of a city, and any burgh (not being a county of a city) shall be deemed to be included in and form part of the county in which it is situated.

(*c*) An order under this subsection may be varied or revoked by a subsequent order.

Constitution of juvenile courts.

2.—(1) Subject to the provisions of the next succeeding subsection, a panel of justices specially qualified for dealing with juvenile cases shall be formed for the purposes of this Part of this Act in every area in which section one of this Act applies, and no justice shall be qualified to sit as a member of a juvenile court unless he is a member of such a panel.

(2) The Secretary of State, after considering any representations made to him by the justices for any such areas as aforesaid, may by order direct that there shall be only one panel for any two or more such areas, and may by the same or a subsequent order provide for sittings

of juvenile courts constituted from that panel being held at such places, whether within or without the area for which the court is for the time being acting, as may be specified in the order.

An order under this subsection may contain such supplemental, incidental and consequential provisions as appear to the Secretary of State to be necessary or proper for the purposes of the order, and may be varied or revoked by a subsequent order.

(3) Rules made by the Lord Chancellor shall provide—

(*a*) for the formation and periodical revision of panels of justices;

(*b*) for limiting the number of justices who may sit as members of any juvenile court, and for the manner in which they are to be selected;

(*c*) for one of the justices acting as chairman of the court and for the manner in which the chairman is to be selected.

Procedure in juvenile courts.

3.—(1) The Lord Justice General may make rules for regulating the procedure in juvenile courts, and such of the provisions of the Summary Jurisdiction Acts as regulate procedure shall have effect subject to any rules so made.

(2) No person shall be present at any sitting of a juvenile court, except—

(*a*) members and officers of the court;

(*b*) parties to the case before the court and their solicitors and counsel, witnesses and other persons directly concerned in that case;

(*c*) bonâ fide representatives of newspapers or news agencies;

(*d*) such other persons as the court may specially authorise to be present.

Provisions with respect to remands and bail.

4.—(1) When a juvenile court have remanded a child or young person for information to be obtained with respect to him, any juvenile court acting for the same place—

(*a*) may in his absence extend the period for which he is remanded, so, however, that he appears

Part I.—*cont.*

before a court or a justice at least once in every twenty-one days;

(*b*) when the required information has been obtained, may deal with him finally;

and where the court by whom he was originally remanded have recorded a finding that he is guilty of an offence charged against him, it shall not be necessary for any court who subsequently deal with him under this subsection to hear evidence as to the commission of that offence, except in so far as they may consider that such evidence will assist them in determining the manner in which he should be dealt with.

(2) No direction, whether contained in this or any other Act, that a charge shall be brought before a juvenile court, shall be construed as restricting the powers of any justice or justices to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.

Laying of rules before Parliament.

5. Any rule purporting to be made by the Lord Chancellor under this Part of this Act shall be laid before both Houses of Parliament as soon as may be after it is made, if Parliament be then sitting, or if Parliament be not then sitting, within one month after the commencement of the next Session of Parliament, and shall be judicially noticed.

PART II.

JUVENILES IN NEED OF CARE OR PROTECTION AND JUVENILE OFFENDERS.

Juveniles in need of Care or Protection.

Powers of juvenile court in respect of children and young persons needing care or protection.

6.—(1) Any education authority, any constable or any authorised person (as defined in this section) who have or has reasonable grounds for believing that a child or young person comes within any of the descriptions hereinafter mentioned, that is to say—

(i) a child or young person who, having no parent or guardian, or a parent or guardian who is unfit to exercise care and guardianship or is not exercising proper care and guardianship, is falling into bad associations or is exposed to moral danger or is beyond control; or

PART II. —*cont.*

(ii) a child or young person—

(*a*) in respect of whom any offence under Part II of the principal Act, or any of the offences mentioned in the First Schedule to that Act, has been committed; or

(*b*) who is a member of the same household as a child or young person in respect of whom such an offence has been committed; or

(*c*) who is a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or

(*d*) who, being a female, is a member of the same household as a female in respect of whom an offence which constitutes the crime of incest has been committed by a member of that household,

and who, in any such case as aforesaid, requires care or protection; or

(iii) a child in respect of whom an offence has been committed under section one hundred and eighteen of the principal Act (which relates to the punishment of vagrants preventing children receiving education),

may bring that child or young person before a juvenile court, and the court, if satisfied that the child or young person comes within any of the descriptions above mentioned, may either—

(*a*) order him to be sent to an approved school; or

(*b*) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or

(*c*) order his parent or guardian to enter into a bond to exercise proper care and guardianship; or

(*d*) without making any other order, or in addition to making an order under either of the two last preceding paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

Part II. —*cont.*

(2) For the purposes of paragraph (i) of the last preceding subsection, but without prejudice to the generality of the words thereof, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall be evidence that he is exposed to moral danger.

(3) Any court before which a person is convicted of having committed in respect of a child or young person any offence referred to in paragraph (ii) or paragraph (iii) of subsection (1) of this section may direct that the child or young person be brought before a juvenile court with a view to that court making such order under that subsection as may be proper, or, if satisfied that the material before them is sufficient to enable them properly to exercise jurisdiction, may, notwithstanding anything in Part I of this Act, themselves make any order which the juvenile court might make.

(4) It shall be the duty of an education authority to bring before a juvenile court under subsection (1) of this section any child or young person residing or found in their area with respect to whom a court has given a direction under the last preceding subsection, or who appears to the authority to come within any of the descriptions mentioned in the said subsection (1), unless in the latter case they are satisfied that the taking of proceedings is undesirable in the interest of the child or young person, or that proceedings are about to be taken by some other person.

(5) The Summary Jurisdiction Acts shall apply in relation to bonds under subsection (1) of this section as they apply in relation to bonds to be of good behaviour and, where a bond under the said subsection (1) is adjudged to be forfeited, the court may, if they think fit, instead of adjudging the person bound thereby to pay the sum for which he is bound, adjudge him to pay part only of the said sum or remit payment thereof.

(6) For the purposes of this section, the expression "authorised person" means any officer of a society which is authorised by general or special order of the

Scottish Education Department to institute proceedings under this section, and any person who is himself so authorised.

Power of parent or guardian to bring child or young person before juvenile court.

7. Where the parent or guardian of a child or young person proves to a juvenile court that he is unable to control the child or young person, the court, if satisfied—

(i) that it is expedient so to deal with the child or young person; and

(ii) that the parent or guardian understands the results which will follow from and consents to the making of the order,

may order the child or young person to be sent to an approved school, or may order him to be placed for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the court:

Provided that an order that the child or young person be sent to an approved school shall not be made unless the education authority within whose area he is resident agrees.

Power of poor law authority to bring child before juvenile court.

8. Where a poor law authority satisfy a juvenile court that any child or young person maintained in or boarded out from a school or other institution belonging to the authority is refractory, and that it is expedient that he should be sent to an approved school, the court may order him to be sent to such a school.

Powers of court in case of non-compliance with school attendance order.

9. Section four of the Day Industrial Schools (Scotland) Act, 1893, shall have effect as if for the power thereby conferred on the court of summary jurisdiction to order a child to be sent to a certified day industrial school or to a certified industrial school, there were substituted a power to order the child to be sent to an approved school or to be committed to the care of a fit person, in accordance with the provisions of this Part of this Act.

Effect of supervision order.

10.—(1) Where a court makes an order under any of the foregoing provisions of this Part of this Act placing a child or young person under the supervision of a probation officer or of some other person, that officer or person shall, while the order remains in force, visit, advise

PART II. —*cont.*

and befriend him and, when necessary, endeavour to find him suitable employment and may, if it appears necessary in his interests so to do, at any time while the order remains in force and he is under the age of seventeen, bring him before a juvenile court, and that court may, if they think that it is desirable in his interests so to do, order him to be sent to an approved school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where the probation officer or other person named in an order as aforesaid placing a child or young person under supervision, has died or is unable for any reason to carry out his duties, or where it is made to appear that it is for any reason desirable that another person should be appointed in the place of that officer or person, a juvenile court may appoint another probation officer or person to act in his place.

21 & 22 Geo. 5. c. 30.

(3) For the purposes of the provisions of the Probation of Offenders (Scotland) Act, 1931, relating to the salaries, remuneration and expenses of probation officers, an order as aforesaid placing a child or young person under supervision shall be deemed to be a probation order.

Removal or remand of child or young person to place of safety.

11.—(1) A constable, or any person authorised by any court or by any justice, may take to a place of safety any child or young person in respect of whom any offence under Part II of the principal Act, or any of the offences mentioned in the First Schedule to that Act, has been or is believed to have been committed, or who is about to be brought before a juvenile court in accordance with any of the foregoing provisions of this Part of this Act, and a child or young person so taken to a place of safety, and any child or young person who has taken refuge in a place of safety, may be detained there until he can be brought before a juvenile court.

(2) If a juvenile court before whom any child or young person is brought are not in a position to decide whether any and, if so, what, order ought to be made under the foregoing provisions of this Part of this Act, they may make such interim order as they think fit for his detention or continued detention in a place of safety, or for his committal to the care of a fit person whether a relative or not, who is willing to undertake the care of him.

An interim order under this subsection shall not remain in force for more than twenty-eight days, but, if at the expiration of that period the court deem it expedient so to do, they may make a further interim order.

Additional powers of courts with respect to children and young persons found guilty of offences.

12.—(1) Any court by or before which a child or young person is found guilty of an offence punishable in the case of an adult with imprisonment shall, in addition to any other powers exerciseable by virtue of this or any other Act, have power—

(*a*) to order him to be sent to an approved school;

(*b*) to commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where an order is made under this section committing a child or young person to the care of a fit person, a probation order may also be made under the Probation of Offenders Act, 1907.

7 Edw. 7. c. 17.

Power of any court to remit juvenile offender to a juvenile court.

13.—(1) Any court by or before whom a child or young person is found guilty of an offence other than homicide, may, if they think fit, remit the case to a juvenile court acting for the place where the offender was committed for trial, or, if he was not committed for trial, to a juvenile court acting either for the same place as the remitting court or for the place where the offender resides; and, where any such case is so remitted, the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which they might have dealt with him if he had been tried and found guilty by them.

(2) No appeal shall lie against an order of remission made under the last preceding subsection, but nothing in this subsection shall affect any right of appeal against the verdict or finding on which such an order is founded.

(3) A court by which an order remitting a case to a juvenile court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the juvenile court, and shall cause to be transmitted to the clerk of the juvenile court a certificate setting out the nature of the offence and

PART II. —*cont.*

stating that the offender has been found guilty thereof, and that the case has been remitted for the purpose of being dealt with under this section.

Increase of age with respect to criminal responsibility and death sentences.

14.—(1) It shall be conclusively presumed that no child under the age of eight years can be guilty of any offence.

(2) Sentence of death shall not be pronounced or recorded against any person under the age of eighteen years, and section one hundred and three of the principal Act shall have effect accordingly.

General.

Notice to education authority and probation officer of charges against and applications relating to children and young persons.

15.—(1) Where a child or young person is to be brought before a court of summary jurisdiction in respect of an offence alleged to have been committed by him, or is to be brought before a juvenile court as needing care or protection, the responsible person (as hereinafter defined) shall forthwith notify the day and hour when, and the nature of the charge or other grounds on which, the child or young person is to be brought before the court—

(i) to the probation officer, or one of the probation officers, for the probation area in which the court will sit; and

(ii) to the education authority for the area in which the child or young person is resident, or, if it is not known where he is resident, to the education authority for the area, or for any one of the areas, in which the offence is alleged to have been committed or the circumstances justifying an application to the court are alleged to have arisen:

Provided that no such notification need be given to an education authority where the child or young person is charged or brought before the court by an education or poor law authority.

For the purposes of this subsection the expression " responsible person " means, in a case where the child or young person is accused of an offence, the chief officer of police, and in any other case, the person bringing the child or young person before the court.

Part II. —*cont.*

(2) An education authority who have received a notification under the last preceding subsection, and an education or poor law authority who themselves charge any child or young person with any offence, or bring any child or young person before a juvenile court as needing care or protection, shall, except in cases which appear to them to be of a trivial nature, make such investigations and render available to the court such information as to the home surroundings, school record, health and character of the child or young person and, in proper cases, as to available approved schools, as appear to them to be likely to assist the court:

Provided that an education authority shall be under no obligation to make investigations as to the home surroundings of children or young persons in any probation area in which by direction of the probation committee arrangements have been made for such investigations to be made by a probation officer.

Principles to be observed by courts in dealing with children and young persons.

16. Every court in dealing with a child or young person who is brought before them, either as needing care or protection or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

" Conviction " and " sentence " not to be used in relation to juveniles dealt with summarily.

17. The words " conviction " and " sentence " shall cease to be used in relation to children and young persons dealt with summarily and any reference in any enactment to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be.

Minimum age for committal to approved school.

18. A court shall not order a child under the age of ten years to be sent to an approved school unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, they are satisfied that he cannot suitably be dealt with otherwise.

PART II. —*cont.*

Provisions as to Orders committing Juveniles to care of a fit Person.

General provisions as to orders committing children and young persons to care of fit person.

19.—(1) The provisions of this and the three next succeeding sections shall apply in relation to orders under this Part of this Act committing a child or young person to the care of a fit person, and in those provisions the expressions "boy" and "girl" mean respectively a boy or a girl with respect to whom such an order is in force, irrespective of whether at the date of the making of the order he or she was a child or was a young person.

(2) Every order shall embody a declaration as to the age of the boy or girl and shall, subject to the provisions of this Act, remain in force until he or she attains the age of eighteen years.

(3) The court shall, before making the order, endeavour to ascertain the religious persuasion of the boy or girl and the order shall embody a declaration with respect thereto.

(4) The person to whose care the boy or girl is committed shall, whilst the order is in force, have the same rights and powers, and be subject to the same liabilities in respect of his or her maintenance, as if he were his or her parent, and the boy or girl shall continue in his care notwithstanding any claim by a parent or any other person.

(5) The Secretary of State may, if he thinks fit, make rules as to the manner in which boys and girls so committed are to be dealt with and as to the duties of the persons to whose care they are committed.

(6) The Secretary of State may at any time in his discretion discharge a boy or girl from the care of the person to whose care he or she is committed, and any such discharge may be granted either absolutely or subject to conditions.

(7) The Secretary of State, in any case where it appears to him to be for the benefit of a boy or girl who has been committed to the care of any person, may empower that person to arrange for his or her emigration, but except with the authority of the Secretary of State, no person to whose care a boy or girl is committed shall arrange for his or her emigration :

Part II. —*cont.*

Provided that the Secretary of State shall not empower a person to arrange for the emigration of a boy or girl unless he is satisfied that the boy or girl consents, and also that his or her parents have been consulted, or that it is not practicable to consult them.

(8) An order committing a boy or girl to the care of a fit person may, on the application of any person, be varied or revoked—

(*a*) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same place;

(*b*) in any case, by a juvenile court acting for the place within which the boy or girl is residing.

Power to commit child or young person to care of education authority.

20.—(1) The education authority shall for the purposes of the provisions of this Part of this Act relating to the making of orders committing children and young persons to the care of fit persons be deemed to be a fit person and accordingly orders may be made committing children and young persons to their care and they may undertake the care of children and young persons so committed.

(2) The Secretary of State may cause boys and girls committed to the care of an education authority to be visited from time to time, and rules made by him under the last preceding section may contain provisions as to the persons with whom and the conditions under which they may be boarded out.

(3) Subject to the provisions of any such rules as aforesaid, an education authority may board out boys and girls committed to their care for such periods and on such terms as to payment and otherwise as they think fit.

(4) Where the education authority are of opinion that any boy or girl who has been committed to their care and who is under seventeen years of age should be sent to an approved school, they may apply to a juvenile court, and that court may, if they think that it is desirable in his or her interests so to do, order him or her to be sent to such a school.

Power to commit certain children and young per-

21. An order may be made under this Part of this Act committing to the care of the Minister of Pensions, or of a person appointed by him, any child or young person for the care of whom it is the duty of the Minister under sons to care of Minister of Pensions. 8 & 9 Geo. 5. c. 57. 8 Edw. 7. c. 67.

section nine of the War Pensions Act, 1918, to make provision, and accordingly in subsection (4) of that section the reference to an order made under section twenty-one or subsection (7) of section fifty-eight of the Children Act, 1908, shall be construed as including a reference to an order made under this Part of this Act.

Religious persuasion of person to whom child or young person is committed.

22.—(1) A court, in selecting the person to whose care a boy or girl is to be committed, and an education authority, in selecting the person with whom any boy or girl committed to their care is to be boarded out, shall, if possible, select a person who is of the same religious persuasion, or who gives an undertaking that the boy or girl will be brought up in accordance with his or her religious persuasion.

(2) If, on an application made by the parent or guardian, or any near relative, of the boy or girl in question, a juvenile court having jurisdiction to revoke or vary the order are satisfied that a boy or girl who has been committed to the care of any fit person is not being brought up in accordance with his or her religious persuasion, the court shall, unless an undertaking satisfactory to them is offered by the person to whose care he or she is committed, either revoke the order, or vary it in such manner as they think best calculated to secure that he or she is thenceforth brought up in accordance with that persuasion.

Provisions as to Orders committing Juveniles to Approved Schools.

Contents of approved school orders.

23.—(1) An order made by a court for sending a child or young person to an approved school (hereafter in this Act referred to as " an approved school order ") may be made to take effect immediately, or its operation may be postponed to a later date specified in the order or to be subsequently specified by endorsement thereon by the appropriate court:

Provided that the operation of the order shall not be postponed except pending the completion of arrangements for the reception of the child or young person into a suitable school, or on account of his ill-health.

(2) The school to which a child or young person is first to be sent under an approved school order shall be

such school as may be specified in the order, being that one of the available schools (whether situate within the jurisdiction of the court making the order or not) which the court, after considering any representations made to them by the education authority concerned, deem to be most suitable to the case:

Part II. —*cont.*

Provided that—

(i) if the order is not made to take effect immediately, the school need not in the first instance be specified in the order, but may subsequently be specified by endorsement on the order by the appropriate court; and

(ii) if for any reason the child or young person cannot be received into the approved school specified in or endorsed upon the order, the appropriate court may by an endorsement, or further endorsement, on the order specify another school.

(3) If the order is not made to take effect immediately, or if at the time when the order takes effect the child or young person cannot be sent to the school, the appropriate court may make an order committing him either to custody in any place to which he might be committed on remand, or to the custody of a fit person to whose care he might be committed under this Part of this Act, and, subject as hereinafter provided that order shall have effect until he is sent to an approved school in pursuance of the approved school order:

Provided that an order made under this subsection shall not remain in force for more than twenty-eight days, but if at the expiration of that period the appropriate court deem it expedient so to do, they may make a further order under this subsection.

(4) The court shall before making the approved school order endeavour to ascertain the religious persuasion of the child or young person, and the order shall embody a declaration with respect thereto.

(5) Every approved school order shall embody a declaration as to the age of the child or young person.

(6) Every approved school order, other than an order mentioned in the next succeeding subsection, shall name the education authority within whose area

Part II. —*cont.*

the child or young person was resident, or if it is not known where he was resident, the education authority or one of the education authorities within whose area the offence was committed or, as the case may be, the circumstances arose rendering the child or young person liable to be sent to an approved school:

Provided that, in the case of a child or young person not resident in Scotland, the order shall, instead of naming an education authority, state that he was resident outside Scotland.

(7) An approved school order made on the application of a poor law authority in its capacity as such shall state that it is so made upon the application of that authority, and an approved school order made by reason of the commission of an offence under section one hundred and eighteen of the principal Act (which relates to the punishment of vagrants preventing children receiving education) shall state that it is so made.

(8) An approved school order shall, subject as hereinafter provided, state whether the education or poor law authority, if any, named therein or the probation officer or the police authority is to be responsible for conveying the child or young person to his school, and the education or poor law authority, probation officer or police authority, as the case may be, shall be responsible for conveying him to his school accordingly at the expense of the education or poor law authority, the probation committee or police authority:

Provided that, where the order is not made to take effect immediately, the authority or person who is to be responsible for conveying the child or young person to his school, need not in the first instance be specified in the order, but may be subsequently specified by endorsement thereon by the appropriate court.

(9) Any order made under subsection (3) of this section and any endorsement made under this section may be made in the absence of the child or young person concerned.

(10) In determining, for the purposes of this section and of the provisions of this Part of this Act relating to the contributions to be made by education authorities, the place of residence of a child or young person, any period during which he resided in any place

as an inmate of a school or other institution, or while boarded out under this Part of this Act by an education authority to whose care he has been committed, or in accordance with the conditions of a bond, shall be disregarded.

Part II. —*cont.*

(11) In this section, the expression "appropriate court" means

(*a*) the court which made the approved school order; or

(*b*) if the order was made by a court of summary jurisdiction, a juvenile court acting for the same place; or

(*c*) if the order was made by a court not being a court of summary jurisdiction, a juvenile court acting for the place where the child or young person was committed for trial, or, if he was not committed for trial, a juvenile court acting for the place within which he was resident.

Information to be transmitted to managers of school.

24.—(1) The court who make, or make any endorsement upon, an approved school order shall cause it to be delivered to the authority or person responsible for conveying the child or young person to his school, and the person who conveys him to the school shall deliver the order to the headmaster or person for the time being in charge thereof.

(2) The court by whom an approved school order is made shall cause a record in the prescribed form, embodying all such information in the possession of the court with respect to the child or young person as is in the opinion of the court material to be known by the managers of the school, to be prepared and transmitted to the headmaster or person for the time being in charge of the school.

Period of detention in approved school.

25.—(1) Where a court order a child to be sent to an approved school, the order shall be an authority for his detention in an approved school until the expiration of a period of three years from the date of the order and, if at the expiration of that period he is still under the age of fifteen years, for his further detention until he attains that age.

PART II. —*cont.*

(2) Where a court order a young person to be sent to an approved school, the order shall be an authority for his detention in an approved school—

(i) if at the date of the order he has not attained the age of sixteen years, until the expiration of a period of three years from the date of the order; and

(ii) if at the date of the order he has attained the age of sixteen years, until he attains the age of nineteen years.

(3) If the managers of an approved school are satisfied that a person whose period of detention therein is, under the provisions of either of the foregoing subsections, about to expire, needs further care or training and cannot without it be placed in suitable employment, they may, if the Scottish Education Department consent, detain him for a further period not exceeding six months and not in any case extending beyond the date on which he attains the age of nineteen years.

(4) Nothing in this section limiting by reference to a person's age, or otherwise, the period during which he may be detained in an approved school, shall be construed as affecting the provisions of the First Schedule to this Act relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return.

Provisions as to Contributions by Parents, Guardians and others and Education Authorities.

Contributions to be made by parents, &c., of children and young persons committed to the care of fit persons, or to approved schools.

26.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person, or for sending him to an approved school, it shall be the duty of the persons specified in this subsection to make contributions in respect of him, and that duty shall be enforceable in accordance with the provisions of the next succeeding section.

The persons liable to make contributions as aforesaid are the father or stepfather of the child or young person, his mother or stepmother, and any person who, at the date when any such order as aforesaid is made, is cohabiting with the mother of the child or young person, whether he is his father or not.

(2) Where the child or young person has been committed to the care of a fit person not being an education authority, contributions under this section shall (except where a direction for payment to an education authority is given under subsection (4) of the immediately succeeding section) be payable to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person.

(3) Where the child or young person has been committed to the care of an education authority, or ordered to be sent to an approved school, the contributions shall be payable to the education authority within whose area the person liable to make the contributions is for the time being residing, and shall be paid over by the authority to the Scottish Education Department at such times and in such manner, but subject to such deductions in respect of the services rendered by the authority, as may be prescribed.

(4) Any sums received by the Scottish Education Department under the last preceding subsection shall be applied in such manner as the Treasury may direct as appropriations in aid of moneys provided by Parliament for the purposes of this Act.

Enforcement of duty of parent, &c., to make contributions.

27.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person or for sending him to an approved school, the court which makes it may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the person to be charged is for the time being residing may subsequently at any time, make an order (hereafter in this Act referred to as a "contribution order") on any person who is under the last preceding section liable to make contributions in respect of the child or young person, requiring him to contribute such weekly sum as the court having regard to his means think fit:

Provided that the total amount to be contributed for any week in respect of any one child or young person under contribution orders shall not (together with any sum payable in respect of that child or young person under a decree for aliment with respect to which an order under the next succeeding section is in force) exceed such sum as may be prescribed, and for this purpose different sums may

Part II. —*cont.* be prescribed in relation to different circumstances and, in the case of children sent to approved schools, in relation to different schools or classes of school.

(2) A contribution order may, if the child or young person is committed to the care of a fit person not being an education authority, be made on the application of that fit person and may, if the child or young person is committed to the care of an education authority, or ordered to be sent to an approved school, be made on the application—

(*a*) in the case of an order applied for at the time when the child or young person is so dealt with, of the education authority to whose care he has been committed, or who are named in the approved school order, as the case may be;

(*b*) in the case of an order applied for subsequently, of the education authority entitled to receive contributions.

(3) Where a contribution order has been made on any person to whom any pension or income capable of being arrested is payable, the court making the order may, at the same time, and any court of summary jurisdiction having jurisdiction in the place where such person is for the time being resident, may subsequently at any time, after giving the person by whom the pension or income is payable an opportunity of being heard, order that such part as the court may see fit of the pension or income be paid to the person who is for the time being entitled to receive the contributions under the contribution order. Any order made under this subsection shall be an authority to the person by whom the pension or income is payable to make the payment so ordered and the receipt of the person for the time being entitled to receive the contributions shall be a good discharge to the person by whom the pension or income is payable.

(4) Where a contribution order has been made in respect of a child or young person committed to the care of a fit person, not being an education authority, the court making the contribution order may at the same time, on the application of that person, and any court of summary jurisdiction having jurisdiction in the place where the person liable in payment of the contributions is for the time being resident, may subsequently

PART II. —*cont.*

at any time, on the like application, direct that the contributions shall, in lieu of being payable to the person to whose care the child or young person has been committed, be payable to the education authority within whose area the person liable in payment of the contributions is for the time being resident, and any sums received by that authority in pursuance of such direction shall be paid over to the person to whose care the child or young person has been committed and shall be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person.

(5) A contribution order shall remain in force, in the case of a child or young person committed to the care of a fit person, so long as the order for his committal is in force, and in the case of a child or young person ordered to be sent to an approved school, until he ceases to be under the care of the managers of such a school:

Provided that no contributions shall be payable under a contribution order in respect of any period during which the child or young person is out on licence, or under supervision from such a school.

(6) A contribution order may be revoked or varied by any court of summary jurisdiction having jurisdiction in the place where the person liable is for the time being residing and shall be enforceable in like manner as a decree for aliment.

(7) A person on whom a contribution order is made shall, if he changes his address, forthwith give notice thereof to the person who was, immediately before the change, entitled to receive the contributions and, if he fails so to do, he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding two pounds.

Provision as to decrees for aliment.

28.—(1) Where a child or young person who is ordered by a court to be committed to the care of a fit person or to be sent to an approved school, is illegitimate, and a decree for aliment in respect of him is in force, that court may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the father is for the time being residing may subsequently at any time, order the payments under the decree for aliment to be paid to the person who is from time to

Part II. —*cont.*

time entitled under the foregoing provisions of this Part of this Act to receive contributions in respect of the child or young person.

Applications for orders under this subsection may be made by the persons by whom, and in the circumstances in which, applications for contribution orders may be made.

(2) Where an order made under this section with respect to a decree for aliment is in force—

(*a*) any sums received under the decree for aliment shall be applied in like manner as if they were contributions received under a contribution order;

(*b*) if the father changes his address, he shall forthwith give notice thereof to the person who was immediately before the change entitled to receive payments under the order and, if he fails so to do, he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding two pounds.

(3) The making of an order under this section with respect to a decree for aliment shall not, where the father was, at the date of the order committing the child or young person to the care of a fit person or ordering him to be sent to an approved school, cohabiting with the mother of the child or young person, be taken to relieve him from his obligation under the foregoing provisions of this Part of this Act to make contributions in respect of the child or young person, except to the extent of any sums actually paid under the decree for aliment to the person entitled to receive contributions.

Miscellaneous provisions as to contribution orders.

29.—(1) The Secretary of State, in the case of a child or young person committed to the care of a fit person not being an education authority, and the Scottish Education Department, in the case of a child or young person committed to the care of an education authority or ordered to be sent to an approved school may in their discretion remit the whole or any part of any payment ordered under either of the two last preceding sections to be made to a person entitled to receive contributions in respect of such child or young person.

(2) Where, by virtue of an order made under either of the two last preceding sections, any sum is payable to an education authority, the education authority in whose area the person liable under the order is for the time being residing shall be entitled to receive and give a discharge for, and, if necessary, enforce payment of, any arrears accrued due under the order, notwithstanding that those arrears may have accrued at a time when he was not resident in that area.

(3) In any proceedings under either of the two last preceding sections a certificate purporting to be signed by the clerk to an education authority for the time being entitled to receive contributions, or by some other officer of the authority duly authorised in that behalf, and stating that any sum due to the authority under an order is overdue and unpaid shall be evidence of the facts stated therein.

(4) Nothing in this or in the three last preceding sections shall apply in relation to an approved school order made on the application of a poor law authority in its capacity as such, but the sending of a child or young person to an approved school under such an order shall not affect any right of such authority to recover from any person liable to maintain the child or young person sums expended by the authority in alimenting him and for the purpose of any such right the child or young person whilst under the care of the managers of the approved school shall be deemed to be still in receipt of relief.

Contributions by education authorities in respect of persons sent to approved schools.

30.—(1) Subject to the provisions of this section, the education authority named in an approved school order as being the authority within whose area the person to whom the order relates was resident, or within whose area the offence was committed, or the circumstances arose rendering him liable to be sent to an approved school, shall make in respect of him, throughout the time during which he is under the care of the managers of an approved school, such contributions to the expenses of the managers of his school as may be prescribed and for this purpose different contributions may be prescribed in relation to different circumstances and in relation to different schools or classes of school.

(2) A court by whom an approved school order is made shall cause a copy thereof to be served forthwith

Part II. —*cont.*

on the education authority named in the order and, if that authority desire to contend that the person to whom the order relates was resident in the area of some other education authority, or was resident outside Scotland, they may, by notice in writing given at any time within three months after the service upon them of the order, appeal to the sheriff having jurisdiction in the place where the court making the approved school order sat, and if, upon the hearing of the appeal, the sheriff is satisfied that the person to whom the order relates was resident in the area of that other education authority, or was resident outside Scotland, he may by order vary the approved school order by substituting therein the name of that other authority or, as the case may be, a statement that the said person was resident outside Scotland.

Notice of any appeal under this subsection shall be given to the other education authority concerned, if any, and to the sheriff clerk, and the sheriff clerk shall give to the parties to the appeal fourteen days' notice of the date fixed by the court for the hearing thereof.

(3) An order made under this section shall have effect retrospectively as from the making of the approved school order, and all necessary payments by way of adjustment shall be made accordingly.

(4) The foregoing provisions of this section shall not apply in relation to an approved school order which—

(*a*) is made on the application of a poor law authority in its capacity as such; or

(*b*) is made by reason of the commission of an offence under section one hundred and eighteen of the principal Act (which relates to the punishment of vagrants preventing children receiving education); or

(*c*) relates to a child or young person stated in the order to have been resident outside Scotland,

but in the first mentioned case the poor law authority on whose application the order is made shall, throughout the periods during which the child or young person belongs to either of the following classes of persons, that is to say—

(i) persons under the care of the managers of an approved school, not being persons out on licence or under supervision;

(ii) persons out on licence or under supervision from an approved school,

make such contributions in respect of him to the expenses of the managers of his school as the Scottish Education Department may determine to be reasonable, regard being had to the average expenses of the managers (including establishment and administrative expenses) fairly attributable to persons belonging to the class in question.

Detention in Approved Schools by Order of Secretary of State.

Power of Secretary of State to send certain offenders to approved schools.

31. The Secretary of State may by order direct that—

(*a*) a person who is under the age of eighteen years and is undergoing detention in a Borstal institution; or

(*b*) a child or young person with respect to whom he is authorised to give directions under section one hundred and four of the principal Act (which section provides for the detention of children and young persons convicted of certain serious crimes in such places as the Secretary of State may direct); or

(*c*) a young person who has been sentenced to imprisonment and has been pardoned by His Majesty on condition of his agreeing to undergo training in a school,

shall be transferred or sent to and detained in an approved school specified in the order.

Application of Act to persons detained in schools under order of Secretary of State.

32.—(1) An order of the Secretary of State under the last preceding section shall be an authority for the detention of the person in question until such date as may be specified in the order.

(2) The date to be specified in the order shall, in the case of a person who was undergoing detention in a Borstal institution, or was sentenced to detention under the said section one hundred and four, be a date not later than the date on which his detention would have expired and not later than the date on which he will, in the opinion of the Secretary of State, attain the age of nineteen years.

Part II. —*cont.*

(3) The date to be specified in the order shall, in the case of a young person who has been sentenced to imprisonment and pardoned as aforesaid, be a date not more than three years from the date as from which his sentence began to run and not later than the date on which he will, in the opinion of the Secretary of State, attain the age of nineteen years; but if, when his period of detention is about to expire, the managers of his school are satisfied that he needs further care or training and cannot without it be placed in suitable employment, they may, if the Secretary of State consents, detain him for a further period not exceeding six months, so however that he is not detained beyond the date on which he will, in the opinion of the Secretary of State, attain the age of nineteen years.

(4) Nothing in this section limiting by reference to a person's age or otherwise the period during which he may be detained in an approved school, shall be construed as affecting the provisions of the First Schedule to this Act relating to persons guilty of misconduct in schools, or of escaping, running away or refusing to return.

Supplemental.

Provision of remand homes by councils of counties and large burghs.

33.—(1) It shall be the duty of the council of every county and large burgh to provide for their area remand homes, which may be situate either within or without the area, and for that purpose they may arrange with the occupiers of any premises for the use thereof, or may themselves establish, or join with the council of another county or large burgh in establishing, such homes.

(2) The authority or persons responsible for the management of any institution other than a prison may, subject in the case of an institution supported wholly or partly out of public funds to the consent of the Government department concerned, arrange with the council of a county or large burgh for the use of the institution, or any part thereof, as a remand home upon such terms as may be agreed.

(3) A child or young person who may lawfully be remanded in custody to any place situated within a county or large burgh may be so remanded to any

remand home, wherever situate, which is provided under this section for that county or large burgh.

(4) Section one hundred and eight of the principal Act (which relates to the provision of places of detention) is hereby repealed, and references in that or any other Act to places of detention shall be construed as references to remand homes provided under this section, and the expression "place of safety" in the principal Act and this Act shall include a remand home so provided.

(5) Nothing in this section shall be construed as requiring a council to provide additional remand homes for their area so long as any places of detention provided under the principal Act and available for use by the council as remand homes remain suitable for that purpose and sufficient for the needs of the area.

Escapes from remand homes, and from the care of fit persons.

34.—(1) A child or young person who escapes from a remand home may be apprehended without warrant and brought back thereto.

(2) A child or young person who runs away from any person with whom he has been boarded out by an education authority under the provisions of this Act may be apprehended without warrant and brought back to that person, or to such other person as the education authority direct.

(3) A child or young person who runs away from a person to whose care he has been committed under the provisions of this Act may be apprehended without warrant and brought back to that person, if he is willing to receive him and, if he is not willing to receive him, may be brought,

(*a*) if the order committing him to the care of that person was made by a court of summary jurisdiction, before a juvenile court acting for the same place as that court; or

(*b*) in any other case, before a juvenile court having jurisdiction in the place where he was residing immediately before he ran away,

and that court may make any order with respect to him which they might have made if he had been brought before them as being a child or young person who, having no parent or guardian, was beyond control.

Part II. —*cont.*

(4) Any person who knowingly—

(*a*) assists or induces a child or young person to escape from a remand home, or to run away from a person with whom he has been boarded out by an education authority, or to whose care he has been committed under this Act; or

(*b*) harbours or conceals a child or young person who has so escaped or run away, or prevents him from returning,

shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

Evidence of orders.

35. A document purporting to be a copy of an order made by any court under, or by virtue of, any provision of this Part of this Act or of a decree for aliment referred to in any such order as aforesaid shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order or decree.

Definition of, and general provisions as to, "approved schools."

36.—(1) In this Act the expression "approved school" means a school approved by the Scottish Education Department in accordance with the provisions contained in the First Schedule to this Act.

(2) The provisions contained in the First Schedule to this Act shall apply in relation to approved schools and persons sent thereto.

Application of Act to existing reformatory and industrial schools, &c.

37.—(1) This Act shall apply in relation to a school which at the commencement of this Act is a certified reformatory school or a certified industrial school as if the certificate for the school were a certificate of approval issued under this Act.

(2) The Scottish Education Department may, if they think fit, approve for the purposes of this Act any school which, at the date of the passing of this Act, was a certified day industrial school, and if they so approve any such school, the provisions of this Act shall apply in relation to that school and to children previously sent, or thereafter to be sent, thereto, subject to such adaptations, modifications and exceptions as they may from time to time by order direct.

Part II. —*cont.*

Provision of approved schools by education authorities.

38.—(1) An education authority may, with the approval of the Scottish Education Department, undertake, or combine with any other education authority in undertaking, or contribute such sums of money upon such conditions as they may think fit towards, the purchase, establishment, building, alteration, enlargement, rebuilding or management of an approved school:

Provided that, before giving their approval, the Scottish Education Department shall satisfy themselves that the proposed expenditure is reasonable and, where it is proposed to purchase, build or establish a new school, that there is a deficiency of approved school accommodation which cannot properly be remedied in any other way.

(2) In the event of a deficiency of approved school accommodation, it shall be the duty of every education authority concerned to take, either alone or in combination with other education authorities, appropriate steps under this section to remedy the deficiency.

Power to send children and young persons from England, Northern Ireland, Isle of Man and Channel Islands to approved schools in Scotland.

39.—(1) Any person detained in a school under the law in force in England or Northern Ireland may, with the consent of the Scottish Education Department, be transferred by order of the competent authority in England or Northern Ireland to an approved school in Scotland designated for the purpose by the Scottish Education Department, and after delivery to the managers of that school may be dealt with and shall be subject to the provisions of this Act as if the order sending him to the school in England or Northern Ireland were an approved school order made upon the same date by a juvenile court.

(2) The Scottish Education Department may at any time by order direct that a person who under the last preceding subsection has been transferred to an approved school in Scotland from a school in England or Northern Ireland, shall be retransferred to the last-mentioned school, or to such other school as may be specified by the competent authority in England or Northern Ireland, and thereupon the managers of that school shall receive him accordingly.

(3) If under any law of the Isle of Man or of any of the Channel Islands a court is empowered to order

Part II. —*cont.*

children or young persons under seventeen years of age to be sent to approved schools in Scotland and if by that law provision satisfactory to the Scottish Education Department is made—

(i) for the expenses of the conveyance of the children or young persons, and of their reconveyance when discharged, or released on licence;

(ii) for contributions towards the expenses of the managers of the school; and

(iii) for the contribution (if any) to be made by the parent or person legally liable to maintain a child or young person so sent, and the mode in which such contribution is to be raised,

a child or young person with respect to whom such an order is made by a court under the said law may be received into such approved school as the Scottish Education Department may direct, and after delivery to the managers of that school may be dealt with, and shall be subject to the provisions of this Act, as if the order sending him to the school were an approved school order made upon the same date by a juvenile court.

(4) A person so ordered by the competent authority in England or Northern Ireland or by a court in the Isle of Man or the Channel Islands to be transferred or sent to an approved school in Scotland, or so ordered by the Scottish Education Department to be retransferred to a school in England or Northern Ireland, may be conveyed in the custody of any constable or other person acting under a warrant issued by the competent authority in England or Northern Ireland, or by a court in the Isle of Man or the Channel Islands, or by the Scottish Education Department, as the case may be, to the school to which he is ordered to be transferred, sent or retransferred, and he shall during his conveyance to that school be deemed to be in legal custody.

(5) In this section the expression "competent authority" means, in relation to England, the Secretary of State, and, in relation to Northern Ireland, the Minister of Home Affairs for Northern Ireland, or such authority or person as may be designated by the Parliament of Northern Ireland to exercise the powers conferred by this section on the competent authority in Northern Ireland.

Part III.

Voluntary Homes.

Notification of voluntary homes.

40.—(1) It shall be the duty of the person in charge of any institution to which this Part of this Act applies to send to the Secretary of State in accordance with the next succeeding subsection such particulars with respect to the institution as may be prescribed, and, if in the case of any such institution the prescribed particulars are not so sent, the person in charge shall on conviction by a court of summary jurisdiction be liable to a fine not exceeding five pounds and to a further penalty not exceeding twenty shillings in respect of each day during which the default continues after conviction.

(2) Such particulars as aforesaid shall be sent—

(*a*) in the case of an institution established before the commencement of this Act, before the expiration of three months from the commencement of this Act;

(*b*) in the case of an institution established after the commencement of this Act, before the expiration of three months from the establishment of the institution,

and thereafter, in the case of every institution, before such date in every year as may be prescribed.

(3) The institutions to which this Part of this Act applies are homes and other institutions for the boarding, care and maintenance of poor children or young persons, being institutions supported wholly or partly by voluntary contributions:

Provided that this Part of this Act shall not apply to any institution or house certified by the General Board of Control for Scotland under the Mental Deficiency and Lunacy (Scotland) Act, 1913, unless children or young persons who are not mental defectives within the meaning of that Act are received therein.

3 & 4 Geo. 5. c. 38.

Inspection of homes.

41.—(1) The Secretary of State may cause any institution to which this Part of this Act applies to be inspected from time to time, unless the institution is one which is, as a whole, otherwise subject to inspection by, or under the authority of, a Government department.

Part III. —*cont.*

(2) The Secretary of State may, with the consent of the council of any county or large burgh, appoint officers of that council to conduct inspections under this section on his behalf.

(3) Any person appointed by the Secretary of State to inspect any such institution shall have power to enter the institution and to make any examination into the state and management thereof and the condition and treatment of the children and young persons therein which he thinks requisite, and any person who obstructs him in the execution of his duties shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds, and a refusal to allow a person so appointed to enter the institution shall, for the purposes of the provisions of Part II of the principal Act relating to search warrants, be deemed to be a reasonable cause to suspect that a child or young person in the institution is being neglected in a manner likely to be injurious to his health.

Control over homes.

42.—(1) If the Secretary of State is satisfied that the management of any institution to which this Part of this Act applies, or the accommodation provided for, or the treatment of, the children and young persons therein, is such as to endanger their welfare, he may serve upon the persons responsible for the management of the institution such general or special directions with respect to the matters aforesaid, or any of them, as he thinks expedient for the welfare of the children and young persons in the institution.

A direction under this subsection—

(i) may be served on the persons responsible for the management of an institution by being delivered personally to any one of them, or by being sent, by post or otherwise, in a letter addressed to them or any of them at the institution;

(ii) may be varied by a subsequent direction, or withdrawn by the Secretary of State.

(2) Where any such direction is not complied with, a court of summary jurisdiction having jurisdiction in the place where the institution is situate may, on the complaint of any person appointed for the purpose by the Secretary of State, cause a summons to be served

upon the person in charge of the institution and upon such other persons as the court may direct, and upon the hearing of the summons may, if they think fit, make an order for the removal of all children and young persons from the institution:

Provided that—

(i) such an order shall not be made unless the court are satisfied that the welfare of some of the children or young persons is endangered;

(ii) the court may, if they think fit, order that the direction shall be deemed to be modified to such extent as may be specified in the order, and the direction shall have effect accordingly.

(3) An order for the removal of all children and young persons from an institution shall operate as an authority to any person named in the order and to any constable to enter the institution and to remove the children and young persons therein to a place of safety, and where any persons are so removed, it shall be the duty of the local authority to maintain them in a place of safety until they can be restored to their relatives, or until other arrangements have been made with respect to them.

(4) Where an order has been made for the removal of all children and young persons from an institution, the institution shall not be used for the reception of children or young persons without the consent of the Secretary of State, and any person who knowingly permits it to be so used shall, on conviction by a court of summary jurisdiction, be liable to a fine not exceeding five pounds and to a further penalty not exceeding twenty shillings in respect of each day during which the user continues after conviction.

PART IV.

EMPLOYMENT.

Restrictions on employment of children.

43.—(1) No child under the age of twelve years shall be employed:

Provided that byelaws made under the next succeeding section may authorise the employment of children under the age of twelve years by their parents or guardians in light agricultural or horticultural work.

Part IV. —*cont.*

(2) No child shall be employed before the close of school hours on any day on which he is under obligation to attend school:

Provided that byelaws made under the next succeeding section may authorise employment before the commencement of school hours on such a day for not more than one hour.

(3) No child shall be employed before six a.m., and no child shall be employed after seven p.m. during the period from the first day of October to the thirty-first day of March, or after eight p.m. during the period from the first day of April to the thirtieth day of September.

(4) No child shall be employed for more than two hours either on any Sunday or on any day on which he is under obligation to attend school.

(5) No child shall be employed to lift, carry or move anything so heavy as to be likely to cause injury to him.

Power of education authority to make byelaws with respect to employment of children.

44.—(1) An education authority may make byelaws with respect to the employment of children, and any restriction contained in the byelaws shall have effect in addition to the restrictions contained in the last preceding section.

(2) Byelaws so made may distinguish between children of different ages and sexes and different localities, trades, occupations and circumstances, and may contain provisions—

(*a*) for modifying any restriction contained in subsection (1) or subsection (2) of the said section, so far as such modification is authorised by the subsection in question;

(*b*) for prohibiting absolutely the employment of children in any specified occupation;

(*c*) for prescribing—

(i) the age below which children are not to be employed;

(ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed;

(iii) the intervals to be allowed to them for meals and rest;

(iv) the holidays or half holidays to be allowed to them;

(v) any other conditions to be observed in relation to their employment.

(3) No byelaw under this section shall prevent a child taking part in an entertainment under and in accordance with the provisions of a licence granted and in force under this Part of this Act.

Power of education authority to make byelaws with respect to employment of persons under eighteen.

45.—(1) Subject to the provisions of this section, an education authority may make byelaws with respect to the employment of persons under the age of eighteen years, but not being children.

(2) Byelaws so made may distinguish between persons of different ages and sexes, and different localities, trade, occupations and circumstances, and may contain provisions for prescribing—

(i) the number of hours in each day or in each week for which and the times of day at which they may be employed;

(ii) the intervals to be allowed to them for meals and rest;

(iii) the holidays or half-holidays to be allowed to them;

(iv) any other conditions to be observed in relation to their employment.

(3) Nothing in this section shall empower an education authority to make byelaws with respect to—

(*a*) employment in or about the delivery, collection, or transport of goods except in the capacity of van boy, errand boy or messenger;

(*b*) employment in or in connection with factories, workshops, mines, quarries, shops, or offices, not being employment in any capacity as aforesaid;

(*c*) employment in the building or engineering trades, not being employment in any such capacity as aforesaid;

(*d*) employment in agriculture;

(*e*) employment in domestic service, except as non-resident daily servant;

PART IV. —*cont.*

(*f*) employment in any ship or boat registered in the United Kingdom as a British ship, or in any British fishing boat entered in the fishing boat register.

(4) An order of the Secretary of State appointing a date for this section to come into operation shall be laid in draft before both Houses of Parliament, and the Secretary of State shall not make the order until the draft has been approved by resolutions passed in the same session of Parliament by both Houses of Parliament.

Street trading.

46.—(1) No person under the age of seventeen shall engage or be employed in street trading:

Provided that byelaws made under the next succeeding subsection may permit young persons who have not attained the age of seventeen to be employed by their parents in street trading.

(2) An education authority may make byelaws for regulating or prohibiting street trading by persons under the age of eighteen, and byelaws so made may distinguish between persons of different ages and sexes and between different localities, and may contain provisions—

(*a*) forbidding any such person to engage or be employed in street trading unless he holds a licence granted by the authority, and regulating the conditions on which such licences may be granted, suspended and revoked;

(*b*) determining the days and hours during which, and the places at which, such persons may engage or be employed in street trading;

(*c*) requiring such persons so engaged or employed to wear badges;

(*d*) regulating in any other respect the conduct of such persons whilst so engaged or employed.

Penalties and legal proceedings.

47.—(1) A person under the age of eighteen, who engages in street trading in contravention of the last preceding section, or of any byelaw made thereunder, shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding twenty shillings, or in the case of a second or subsequent offence, not exceeding forty shillings.

(2) If a person is employed in contravention of any of the preceding provisions of this Part of this Act

Part IV. —*cont.*

or of the provisions of any byelaw made thereunder, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds:

Provided that, if proceedings are brought against the employer, the employer, upon complaint duly laid by him and on giving to the prosecution not less than three days' notice of his intention shall be entitled, to have any person (other than the person employed) to whose act or default he alleges that the contravention was due, brought before the court as a party to the proceedings, and if, after the contravention has been proved, the employer proves to the satisfaction of the court that the contravention was due to the act or default of the said other person, that person may be convicted of the offence; and if the employer further proves to the satisfaction of the court that he has used all due diligence to secure that the provisions in question were complied with, he shall be acquitted of the offence.

(3) Where an employer seeks to avail himself of the proviso to the last preceding subsection,

(*a*) the prosecution shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his charge against the other person, and to call rebutting evidence; and

(*b*) the court may make such order as they think fit for the payment of costs by any party to the proceedings to any other party thereto.

Byelaws.

48.—(1) A byelaw made under this Part of this Act shall not have effect until confirmed by the Secretary of State and shall not be so confirmed until at least thirty days after the education authority have published it in such manner as the Secretary of State directs.

(2) Before confirming such a byelaw the Secretary of State shall consider any objections thereto which may be addressed to him by persons affected or likely to be affected thereby, and may order a local enquiry

Part IV.—*cont.*

to be held, and where such an enquiry is held, the person holding it shall receive such remuneration as the Secretary of State determines, and that remuneration and the expenses of the enquiry shall be paid by the education authority.

(3) Byelaws made under this Part of this Act may, without prejudice to any other method of proof, be proved in the like manner as that in which byelaws made under the Public Health (Scotland) Act, 1897, by a local authority may be proved, and section one hundred and eighty-seven of that Act shall apply accordingly.

60 & 61 Vict. c. 38.

Restrictions on children taking part in entertainments.

49.—(1) Subject to the provisions of this section a child shall not, except under and in accordance with the provisions of a licence granted and in force under the next succeeding section, take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience.

(2) Subject as hereinafter provided and without prejudice to the provisions of this Part of this Act and any byelaws made thereunder with respect to employment, such a licence as aforesaid shall not be necessary for a child to take part in an entertainment if—

(i) he has not during the preceding six months taken part on more than six occasions in such entertainments as are mentioned in this section; and

(ii) the net proceeds of the entertainment are devoted to purposes other than the private profit of the promoters:

Provided that this subsection shall not apply in the case of an entertainment given in premises which are licensed for the sale of any exciseable liquor unless either—

(*a*) those premises are also licensed for the public performance of stage plays or for public music, singing or dancing; or

(*b*) special authority for the child to take part in the entertainment has been granted in writing under the hands of two Justices of the Peace.

(3) Every person who causes or procures a child, or being his parent or guardian allows him, to take part in an entertainment in contravention of this section,

shall, on conviction by a court of summary jurisdiction, be liable to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

Licences for children to take part in entertainments.

50.—(1) Subject to such restrictions and conditions as may be prescribed by rules made by the Scottish Education Department, and without prejudice to the provisions of this Part of this Act with respect to employment, an education authority may grant a licence for a child who has attained the age of twelve years and is residing in their area to take part in any specified entertainment or series of entertainments, whether within or without that area:

Provided that—

(i) no licence shall be granted unless the education authority is satisfied that the child is fit to take part in the entertainment, or series of entertainments, and that proper provision has been made to secure his health and kind treatment; and

(ii) no licence shall be granted in respect of any entertainment which is to take place on a Sunday.

(2) The holder of a licence under this section shall, at least seven days before the child takes part in any entertainment, furnish to the education authority within whose area the entertainment is to take place particulars of the licence and such other information as the Scottish Education Department may by rules prescribe and, if he fails so to do, he shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.

(3) If any restriction or condition contained in a licence under this section is not observed, the licence may be revoked by any education authority within whose area any entertainment to which it relates has taken or is about to take place; and, subject to any restrictions and conditions prescribed by rules made by the Scottish Education Department, any such licence may at the request of the holder of the licence be varied or extended by any such education authority as aforesaid.

(4) If the applicant for, or holder of, a licence under this section feels aggrieved by any decision of an education

PART IV. —*cont.*

authority, he may appeal to the Scottish Education Department, who may thereupon exercise any of the powers conferred on an education authority by this section.

Provisions as to juveniles taking part in, and being trained for, dangerous performances.

51.—(1) No person under sixteen years of age shall take part in any public performance in which his life or limbs are endangered and every person who causes or procures such a person or, being his parent or guardian, allows him to take part in such a performance, shall be liable on summary conviction to a fine not exceeding ten pounds or, in the case of a second or subsequent offence, not exceeding fifty pounds, and the First Schedule to the principal Act shall have effect as if amongst the offences therein specified there was included any offence under this subsection.

(2) No person under twelve years of age shall be trained to take part in performances of a dangerous nature, and no person under sixteen years of age shall be trained to take part in such performances except under and in accordance with the terms of a licence granted and in force under the next succeeding section.

(3) Every person who causes or procures a person, or being his parent or guardian, allows him, to be trained to take part in performances of a dangerous nature, in contravention of this section, shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

Licences for training juveniles to take part in dangerous performances.

52.—(1) An education authority may grant a licence for a person who has attained the age of twelve years but is under sixteen years of age to be trained to take part in performances of a dangerous nature.

(2) An applicant for a licence under this section shall, at least seven days before making the application, give notice thereof to the chief officer of the police for the district in which the licence is to authorise the person in question to be trained and that officer may appear, or instruct some person to appear, before the authority and show cause why the licence should not be granted, and no licence shall be granted unless the authority is satisfied that notice has been so given.

(3) A licence under this section shall specify the place or places at which the person in question is to be

trained and shall embody such conditions as are, in the opinion of the authority, necessary for the protection of the said person, but a licence shall not be refused if the authority are satisfied that the said person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

(4) A licence under this section may, on cause being shown by any person, be revoked by the education authority which granted it.

Powers of entry.

53.—(1) If it is made to appear to a justice of the peace by the education authority, or by any constable, that there is reasonable cause to believe that the provisions of this Part of this Act, or of a byelaw made thereunder, are being contravened with respect to any person, the justice may by order under his hand addressed to an officer of the education authority, or to a constable, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in an entertainment or performance, or being trained, and to make enquiries therein with respect to that person.

(2) Any authorised officer of the education authority or any constable may at any time during the currency of a licence granted under this Part of this Act enter any place where the person to whom the licence relates is authorised by the licence to take part in an entertainment or to be trained, and may make enquiries therein with respect to that person.

(3) Any person who obstructs any officer or constable in the due exercise of any powers conferred on him by or under this section, or who refuses to answer or answers falsely any enquiry authorised by or under this section to be made, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.

Interpretation of Part IV.

54. For the purposes of this Part of this Act—

the expression " child " shall, as from such day as the Scottish Education Department may appoint, mean instead of a person under fourteen years of age, a person under fifteen years of

PART IV. —*cont.*

age, and a child under obligation to attend school shall be deemed to attain the age of fourteen or fifteen on the date prescribed for terminating school attendance next succeeding the fourteenth or fifteenth anniversary of his birth, as the case may be;

the expression "performance of a dangerous nature" includes all acrobatic performances and all performances as a contortionist;

the expression "street trading" includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe-blacking and other like occupations carried on in streets or public places; and

a person who assists in a trade or occupation carried on for profit shall be deemed to be employed, notwithstanding that he receives no reward for his labour.

Repeal of Dangerous Performances Acts, 1879 and 1897, and of certain provisions of Employment of Children Act, 1903, and Prevention of Cruelty to Children Act, 1904. 3 Edw. 7. c. 45. 4 Edw. 7. c. 15.

55. The Dangerous Performances Acts, 1879 and 1897, sections one to three of the Employment of Children Act, 1903, and sections two and three of the Prevention of Cruelty to Children Act, 1904, shall cease to have effect.

Savings.

56.—(1) Nothing in this Part of this Act shall affect the provisions of the Education (Scotland) Acts, 1872 to 1928, with respect to attendance at school or continuation classes.

(2) Nothing in this Part of this Act shall apply to a person detained in an approved school.

(3) The foregoing provisions of this Part of this Act shall be in addition to and not in substitution for any enactments relating to employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.

(4) For the purposes of this Part of this Act and any byelaws made thereunder, a chorister taking part in a religious service or in a choir practice for a religious service, shall not, whether he receives any reward or not, be deemed to be employed.

Saving for British Broadcasting Corporation.

57. The provisions of this Part of this Act which impose restrictions on employment or on the taking part by children in entertainments, and the provisions of any byelaws made thereunder, shall not apply in relation to a person who has attained the age of twelve years taking part in a performance, whether of the nature of an entertainment or not, which is being broadcast by the British Broadcasting Corporation, so long as the public are not admitted thereto on payment.

Amendments of 3 & 4 Geo. 5. c. 7. 20 & 21 Geo. 5. c. 21.

58.—(1) The Children (Employment Abroad) Act, 1913 (in this section referred to as "the Act of 1913"), as amended by the Children (Employment Abroad) Act, 1930, shall have effect subject to the provisions of this section.

(2) The following subsection shall be substituted for subsection (2) of section one of the Act of 1913—

> "(2) A constable or any person authorised by a justice may take to a place of safety any person under the age of seventeen years who there is reason to believe is about to go out of the United Kingdom in contravention of the provisions of this Act, and a person so taken to a place of safety may be detained there until he can be restored to his relatives or until other arrangements can be made with respect to him."

(3) A licence granted under the Act of 1913 shall not be renewed under subsection (2) of section two of that Act unless the police magistrate is satisfied that the application for renewal is made by, or with the consent of, the parent or guardian of the young person.

(4) Where a person applies for the renewal of a licence granted under the Act of 1913, it shall not be necessary for him to give notice of his application in accordance with the provisions of subsection (3) of section two of that Act and, accordingly, in the said subsection the words "or the renewal of a licence," the words "or resided" the words "or renewed" and the words "or renew" shall be omitted.

(5) If upon any application under the said subsection (3) it appears that the notice for which that subsection provides was given less than seven days before the making of the application, the police magistrate may nevertheless grant a licence, if he is satisfied that the

Part IV. —*cont.* officer to whom the notice was given has made sufficient inquiry into the facts of the case and does not desire to oppose the application.

(6) A police magistrate may at any time revoke a licence granted under the Act of 1913 for any cause which in his discretion he considers sufficient.

(7) A police magistrate may from time to time vary the terms of a licence granted under the Act of 1913 and, accordingly, in subsection (4) of section two of that Act (which relates to recognizances for the observance of restrictions and conditions contained in a licence) for the words " the grant or renewal of a licence " there shall be substituted the words " the grant, renewal or variation of a licence " and after the words " for the observance of the restrictions and conditions contained in the licence " there shall be inserted the words " or in the licence as varied."

(8) If in any case where a licence has been granted under the Act of 1913 it is proved to the satisfaction of a police magistrate that, by reason of exceptional circumstances, it is not in the interests of the person to whom the licence relates to require him to return to the United Kingdom at the expiration of the licence, then, notwithstanding anything in subsection (1) of section two of that Act or any restriction or condition attached to the licence, the magistrate may by order release all persons concerned from any obligation to cause that person to return to the United Kingdom.

(9) A police magistrate may renew or vary a licence granted under the Act of 1913 without requiring the attendance before him of the person to whom the licence relates, but subsection (6) of section two of that Act (which requires certain particulars to be sent to the Secretary of State when a licence is granted) shall apply also to the renewal or variation of a licence.

(10) Where, immediately before the expiration of the period limited by subsection (3) of section three of the Act of 1913 for instituting proceedings under that Act, any person against whom it is proposed to institute such proceedings is outside the United Kingdom, proceedings against him may be instituted at any time within six months after his return to the United Kingdom.

(11) The provisions of subsection (5) of section two of the Act of 1913 with respect to the admissibility of certain documentary evidence in any proceeding for enforcing a recognizance shall apply to all proceedings under the said Act.

(12) The powers conferred by the Act of 1913 and this section on a police magistrate shall in every case be exercisable by any of the following magistrates, that is to say—

(*a*) the chief magistrate of the metropolitan police courts;

(*b*) any magistrate of the metropolitan police court in Bow Street;

(*c*) any stipendiary magistrate appointed by Order in Council to exercise such jurisdiction.

An Order in Council under this subsection may be revoked by a subsequent order.

PART V.

INFANT LIFE PROTECTION.

Amendment of s. 1 of the principal Act.

59.—(1) For subsections (1) to (3) of section one of the principal Act (which relate to notices to be given by persons receiving infants for reward) there shall be substituted the following subsections :—

"(1) Where a person undertakes for reward the nursing and maintenance of an infant under the age of nine years apart from its parents, or having no parents, he shall give notice in writing thereof to the local authority—

(*a*) in the case of an infant not already in his care, being the first infant proposed to be received by him for reward in the dwelling occupied or proposed to be occupied for the purpose, not less than seven days before he receives the infant;

(*b*) in the case of any other infant not already in his care, not less than forty-eight hours before he receives the infant; and

(*c*) in the case of an infant already in his care without reward, within forty-eight hours after entering into the undertaking:

Part V. —*cont.*

Provided that upon a charge in respect of a failure to give such notice as aforesaid, it shall be a defence for the defendant to prove that the infant was received by him upon an emergency and that notice was given by him within twelve hours thereafter.

For the purposes of this subsection, an undertaking shall be deemed to be an undertaking for reward if there is any payment or gift of money or money's worth, or any promise to pay or give money or money's worth, irrespective of whether there is any intention of making profit.

(2) The notice required by the preceding subsection shall state the name and sex of the infant, the date and place of its birth, the name of the person undertaking its nursing and maintenance, the dwelling within which it is to be, or is being, kept and the name of the person from whom it is to be, or was, received.

(3) Any reference in this Part of this Act to an infant in respect of whom such a notice as aforesaid is required to be given shall be construed as including a reference to an infant under the age of nine years with respect to whom such a notice has been given and who is still living apart from its parents, if any, with the person by whom the notice was given."

(2) Subsection (5) of the said section one (which imposes a duty on a person who receives an infant for reward to give to the local authority notice of its death or removal) shall be amended by the insertion after the words "local authority" of the words "and to the person from whom the infant was received."

(3) A person who at the commencement of this Act is nursing and maintaining for reward an infant under the age of nine years apart from its parents or having no parents, shall within one month after the commencement of this Act, give to the local authority in respect of that infant such a notice as is mentioned in subsection (2) of the said section one:

Provided that nothing in this subsection shall require a person to give such a notice in any case where a notice was given by him to the local authority on the first reception of the infant.

Powers of local authority to prevent over-crowding.

60. For section four of the principal Act (which enables a local authority to fix the number of infants who may be kept in any dwelling), the following section shall be substituted:—

> "4. The local authority may fix the maximum number of infants under the age of nine years who may be kept in any dwelling in which there is any infant in respect of whom notice is required to be given under this Part of this Act and may also, if they think fit, impose conditions to be complied with so long as the number of infants kept in the dwelling exceeds a specified number.
>
> If the maximum number so fixed is exceeded, or if any condition so imposed is not complied with, a person who keeps in that dwelling an infant with respect to whom such a notice is required to be given as aforesaid, shall be guilty of an offence under this Part of this Act."

Removal of infants kept in unsuitable premises, or by unsuitable persons.

61.—(1) If an infant in respect of whom notice is required to be given under Part I of the principal Act is about to be received or is being kept—

(*a*) in any premises which are overcrowded, insanitary or dangerous; or

(*b*) by any person who, by reason of old age, infirmity, ill health, ignorance, negligence, inebriety, immorality or criminal conduct, or for any other reason, is unfit to have care of it; or

(*c*) in any premises or by any person in contravention of any of the provisions of the said Part I; or

(*d*) in an environment which is detrimental to the infant,

a court of summary jurisdiction may, on the complaint of the local authority, make an order directing the removal of the infant to a place of safety until it can be restored to its relatives, or until other arrangements can be made with respect to it; and, upon proof that there is imminent danger to the health or well-being of the infant concerned, a single justice may exercise the like power on the application of a visitor or other person appointed or authorised to execute the provisions of Part I of the principal Act, and, if need be, may exercise that power ex parte.

PART V. —*cont.*

(2) An order made under the foregoing subsection may be enforced by a constable, or by a visitor or other person appointed or authorised as aforesaid; and any person who refuses to comply with such an order upon its being produced, or who obstructs any such constable, visitor or person as aforesaid in the enforcement of the order, shall be guilty of an offence under Part I of the principal Act.

(3) The foregoing provisions of this section shall have effect in substitution for the provisions of section five of the principal Act.

Prohibition of anonymous advertisements offering to undertake care of infants.

62.—(1) No advertisement indicating that a person or society will undertake, or will arrange for, the nursing and maintenance of an infant under the age of nine years shall be published unless that person's name and residence, or, as the case may be, that society's name and office, are truly stated in the advertisement.

(2) Every person who knowingly publishes any advertisement in contravention of the provisions of this section shall be guilty of an offence under Part I of the principal Act.

Exemptions from Part I (Infant Life Protection) of principal Act.

63.—(1) The provisions of Part I of the principal Act shall not extend to any hospital, convalescent home or institution:—

(*a*) which is maintained by a Government department, local authority, or any other authority or body constituted by special Act of Parliament or Royal Charter; or

(*b*) to which a certificate of exemption from Part I of the principal Act has been granted by the local authority for the purposes of that Part (which certificate the local authority is hereby authorised to grant); or

(*c*) of which particulars are required to be, and are, transmitted annually to the Secretary of State under the provisions of the Part of this Act relating to voluntary homes; or

(*d*) which is an institution or house certified by the General Board of Control for Scotland under the Mental Deficiency and Lunacy (Scotland) Act, 1913, and in which no children or young persons who are not mental defectives within the meaning of that Act are received.

(2) The provisions of the preceding subsection shall have effect in substitution for such of the provisions of section eleven of the principal Act as relate to the exemption of hospitals, convalescent homes, institutions and boarding schools from the operation of Part I of that Act.

(3) The provisions of Part I of the principal Act shall not apply in relation to any mental defective who is under guardianship in pursuance of an order under the Mental Deficiency and Lunacy (Scotland) Act, 1913.

PART VI.

MISCELLANEOUS AND GENERAL.

Raising the age of "young persons."

64.—(1) For the purposes of this and the principal Act the expression "young person" means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) In sections twelve, fourteen and forty-one of the principal Act (which relate respectively to the punishment for cruelty to children and young persons, the punishment of persons causing or allowing children or young persons to beg and the use by children and young persons of automatic machines for the sale of tobacco) for references to young persons there shall be substituted references to persons who have not attained the age of sixteen years but are not children.

Amendment of s. 14 of principal Act.

65. At the end of section fourteen of the principal Act (which relates to the punishment of persons who allow children to be in streets for the purpose of receiving, or inducing the giving of, alms) there shall be inserted the following subsection—

> "(3) If any person while singing, playing, performing or offering anything for sale in a street or public place has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms."

PART VI. —*cont.*

Amendment of s. 17 of principal Act. 10 Edw. 7. and 1 Geo. 5. c. 25.

66. Section seventeen of the principal Act which (as amended by the Children Act (1908) Amendment Act, 1910) makes provision for the punishment of any person who, having the custody, charge, or care of a girl under the age of sixteen years, causes or encourages the seduction, prostitution, or unlawful carnal knowledge of that girl, shall have effect as if in subsection (1) thereof after the words "unlawful carnal knowledge of" there were inserted the words "or the commission of an indecent assault upon" and as if in subsection (2) thereof for the words "unlawful carnal knowledge (as the case may be) of a girl" there were substituted the words "unlawful "carnal knowledge of, or the commission of an indecent "assault upon, a girl," and after the words "unlawfully carnally known" there were inserted the words "or indecently assaulted", and as if after subsection (2) the following subsection were added:—

> "(3) The foregoing provisions of this section shall apply to a contravention of section four of the Criminal Law Amendment Act, 1922, in like manner as they apply to an indecent assault, and any reference to the commission of such an assault or to being indecently assaulted shall be construed accordingly."

12 & 13 Geo. 5. c. 56.

Amendment of s. 19 of principal Act.

67. Paragraph (*b*) of subsection (1) of section nineteen of the principal Act (which authorises a constable to arrest any person who has, or is believed to have, committed an offence of cruelty under Part II of the said Act, or any of the offences mentioned in the First Schedule to that Act) shall apply in relation to any offence under the said Part II or mentioned in the said Schedule.

Repeal of s. 26 of principal Act.

68. Section twenty-six of the principal Act (which confers certain powers on courts by or before which persons who are habitual drunkards are convicted of certain offences in relation to children and young persons) shall cease to have effect.

Amendment of Schedule I to principal Act.

69. The First Schedule to the principal Act shall have effect as if amongst the offences therein specified there was included any offence in respect of a child or young person which constitutes the crime of incest.

Institution of proceedings by local or poor law authorities.

70.—(1) A local authority or a poor law authority may institute proceedings for any offence under Part II of the principal Act.

(2) Any such authority may appear by their clerk or other officer duly authorised in that behalf in any proceedings instituted by them under any Part of the principal Act or of this Act.

Minor and consequential amendments of principal Act.

71. The amendments specified in the second column of the Second Schedule to this Act, being amendments of a minor or consequential nature, shall be made in the provisions of the principal Act mentioned in the first column of that schedule.

Miscellaneous amendments of the Probation of Offenders Act.

72.—(1) In subsection (5) of section six of the Probation of Offenders Act, 1907 (which relates to the powers of the court in a case where a person bound by a recognisance under the said subsection has failed to observe a condition of the recognisance) for the words "if "the case was one in which the court in the first instance "might, under section fifteen of the Industrial Schools "Act, 1866, have ordered the offender to be sent to a "certified industrial school and the offender is still "apparently under the age of twelve years", there shall be substituted the words "if the case was one in which "the court had power to make an order sending him to "an approved school, and he is still under the age of "seventeen".

29 & 30 Vict. c. 118.

(2) Where the court before which any person is bound by his bond under the said Act to appear is a juvenile court, the attainment by him of the age of seventeen years shall not deprive that court of jurisdiction to enforce his attendance and deal with him in respect of any failure to observe the conditions of his bond or of jurisdiction to vary or discharge the bond.

(3) Notwithstanding anything in subsection (2) of section two of the said Act (as amended by section eight of the Criminal Justice Administration Act, 1914) it shall not be made a condition of a bond under the said Act that a child or young person shall reside in any institution unless, whilst so residing, he is to be employed, or to seek employment, outside the institution, or unless the institution is one which is subject to inspection by the Secretary of State.

4 & 5 Geo. 5. c. 58.

Part VI. —*cont.*

(4) Where, after the commencement of this Act, it is made a condition of a bond that a child or young person shall reside in any institution, the court by which the probation order is made shall forthwith give notice of the terms of the order to the Secretary of State; and where, whether before or after the commencement of this Act, such residence has been made a condition of a bond the Secretary of State may at any time, if he considers that it is in the interests of the child or young person so to do, cause an application to be made to the court before which the child or young person is bound by his bond to appear, and thereupon that court may vary the conditions of the bond by excluding therefrom the condition as to residence, or by substituting the name of some other institution.

Amendment of Guardianship of Infants Act, 1925. 15 & 16 Geo. 5. c. 45.

73.—(1) The power of the court under section six of the Guardianship of Infants Act, 1925, to make orders regarding matters in difference between persons acting as joint guardians of an infant shall, where one of the said persons is the mother or father of the infant, include power—

(*a*) to make such orders regarding the custody of the infant and the right of access thereto of its mother or father as, having regard to the welfare of the infant, the court may think fit; and

(*b*) to order the mother or father to pay towards the maintenance of the infant such weekly or other periodical sum as, having regard to the means of the mother or father, the court may consider reasonable; and

(*c*) to vary or discharge any order previously made under the said section.

(2) The powers conferred on the court by subsection (4) of section five of the said Act, in cases where an appointed guardian is to be the sole guardian of an infant to the exclusion of its mother or father, may be exercised at any time and shall include power to vary or discharge any order previously made in virtue of those powers.

(3) In the said Act and in this section the expression " maintenance " shall include education.

(4) Any question as to the validity of any order made before the commencement of this Act under the

Guardianship of Infants Act, 1925, shall be determined as if this Act had come into operation immediately after that Act.

Association of juveniles with adults in police station, courts, &c.

74. Arrangements shall be made for preventing a child or young person whilst detained in a police station, or whilst being conveyed to or from any criminal court, or whilst waiting before or after attendance in any criminal court, from associating with an adult, not being a relative, who is charged with any offence other than an offence with which the child or young person is jointly charged, and for ensuring that a girl (being a child or young person) shall whilst so detained, being conveyed or waiting, be under the care of a woman.

Prohibition against publication of certain matter in newspapers.

75.—(1) Subject as hereinafter provided, no newspaper report of any proceedings in a juvenile court, shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in those proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any child or young person so concerned in any such proceedings as aforesaid :

Provided that the court or the Secretary of State may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of this section to such extent as may be specified in the order.

(2) In the case of any court not being a juvenile court, the provisions of the preceding subsection (other than the proviso thereto) shall, if and so far as the court may so direct, apply in relation to any proceedings in that court which arise out of any offence against, or any conduct contrary to, decency or morality.

(3) Any person who publishes any matter in contravention of this section shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

Provision as to local authorities.

76.—(1) Expenses incurred under this Act by an education authority shall be defrayed in like manner as expenses of the authority under the Education (Scotland) Acts, 1872 to 1928, and expenses incurred under this Act by a county or town council in their capacity as

Part VI. —*cont.*

poor law authority shall be defrayed in like manner as expenditure for the relief of the poor.

(2) Expenses incurred under this Act by a police authority shall be defrayed in like manner as expenditure for administration of the police, provided that in any burgh where such expenditure is under the law existing at the passing of this Act payable in whole or in part out of the burgh general assessment or out of any assessment or rate leviable on occupiers only, expenses incurred under this Act by the police authority of such burgh or any contribution to such expenses payable by the burgh by virtue of section twenty-one of the Local Government (Scotland) Act, 1929, shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the town council may determine.

19 & 20 Geo. 5. c. 25.

(3) Expenses incurred under this Act by a county or town council other than any expenses referred to in either of the last two foregoing subsections shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine.

(4) A local authority or an education authority shall have power to borrow for the purpose of any powers or duties conferred or imposed on them by this Act, and the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, and, in the case of an education authority, of section forty-five of the Education (Scotland) Act, 1872, as amended by any subsequent enactment shall apply to the power hereby conferred.

35 & 36 Vict. c. 62.

(5) A local authority or an education authority shall for the purposes of any powers or duties conferred or imposed on them by this Act have power to acquire, dispose of or otherwise deal with land in like manner as a local authority under the Housing (Scotland) Act, 1925, for the purposes of that Act, and sections fifty and fifty-one of, and the Third Schedule to, the said Act shall apply accordingly with the substitution of the Secretary of State or the Scottish Education Department, as the case may be, for the Board referred to in the said enactments or in any enactment applied by them.

15 & 16 Geo. 5. c. 15.

(6) A local authority, an education authority, a poor law authority, or a committee to whom any powers of any such authority under this Act have been delegated

may, by resolution empower the clerk or other officer of the authority to exercise in the name of the authority in any case which appears to be one of urgency any powers of the authority or, as the case may be, of the committee with respect to the institution of proceedings under this Act.

Powers of Secretary of State and Scottish Education Department to appoint inspectors.

77. The Secretary of State and the Scottish Education Department may, for the purposes of their respective powers and duties under the enactments relating to children and young persons, appoint such number of inspectors as the Treasury may approve and may pay to the persons respectively appointed by them such remuneration and allowances as, with the consent of the Treasury, the Secretary of State or the Department, as the case may be, may determine, and the Department may authorise or require any of His Majesty's Inspectors of Schools to exercise any power or perform any duty which might be exercised or performed by any inspector appointed in pursuance of this section.

Exercise of powers by Secretary of State and Scottish Education Department.

78. An order or other act of the Secretary of State under this Act may be signified under the hand of the Secretary of State or an Under Secretary or Assistant Under Secretary, and an order or other act of the Scottish Education Department may be signified under the hand of the Secretary or of an Assistant Secretary of the Department.

Exchequer grants and expenses of Secretary of State and Scottish Education Department.

79.—(1) There shall be paid out of money provided by Parliament—

(i) such sums on such conditions as the Secretary of State with the approval of the Treasury may recommend towards—

(*a*) the expenses of the managers of an approved school;

(*b*) the expenses of an education authority in respect of children and young persons committed to their care;

(*c*) the expenses of a council of a county or large burgh in respect of remand homes;

(ii) any expenses incurred by the Secretary of State or the Scottish Education Department in the administration of this Act.

PART VI. —*cont.*

(2) The conditions on which any sums are paid under this section towards the expenses incurred in connection with the provision of a site for, or with the erection, enlargement, improvement or repair of, an approved school, may include conditions for securing the repayment in whole or in part of the sums paid in the event of the school ceasing to be an approved school, and, notwithstanding anything in the constitution of the school or of the managers thereof, or in the trusts, if any, to which the property of the school or of the managers is subject, the managers and any persons who are trustees of any of the said property may accept those sums on those conditions, and execute any instrument required for carrying into effect those conditions, and shall be bound by those conditions and by any instrument so executed and have power to fulfil the conditions and the obligations created by the instrument.

Interpretation and construction of references.

80.—(1) In this Act unless the context otherwise requires:—

8 Edw. 7. c. 59.

"Borstal institution" means an institution established under Part I of the Prevention of Crime Act, 1908;

"Chief officer of police" means chief constable;

"Committed for trial" means committed until liberation in due course of law;

"Court of summary jurisdiction" means the sheriff or any two or more justices of the peace or any magistrate or magistrates by whatever name called officiating under the provisions of any general or local police Act;

"Headmaster" includes superintendent;

"Justice" and "justice of the peace" (except in Part I of this Act) include the sheriff and any such magistrate as aforesaid;

"Large burgh" has the like meaning as in the Local Government (Scotland) Act, 1929;

"Local authority" and "poor law authority" mean the council of a county or of a large burgh;

8 Edw. 7. c. 67.

"Principal Act" means the Children Act, 1908, as that Act applies to Scotland;

Part VI. —*cont.*

"Needing care or protection" in relation to a child or young person brought or to be brought before a court means falling within any of the descriptions mentioned in subsection (1) of section six of this Act;

"Police authority" means a county council or the council of a burgh which maintains a separate police force;

"Prescribed" means prescribed by regulations made by the Secretary of State or by the Scottish Education Department according as the matter to be dealt with is within the powers of the Secretary of State or of the Department;

"Remand" means an order adjourning the proceedings or continuing the case and giving direction as to the detention in custody or liberation of a person during the period of adjournment or continuation and any reference to remanding a person or to remanding in custody shall be construed accordingly.

(2) For the purpose of any powers or duties which are by this Act conferred or imposed on county councils and on the councils of certain burghs only, all other burghs shall be included within the county.

(3) (*a*) For the purpose of any provision of this Act referring to a court acting for any place:—

(i) a court entitled to exercise jurisdiction in any place shall be deemed to be a court acting for that place;

(ii) the sheriff court, and the justice of the peace court for any county and the juvenile court for any area shall each be deemed to be a court acting for the same place as the burgh or police court of any burgh situated in that county or area, as the case may be;

(iii) the sheriff court for any county shall be deemed to be a court acting for the same place as the justice of the peace court for that county;

(iv) the juvenile court for any area being a county shall be deemed to be a court acting for the same place as the sheriff court or the justice of the peace court for that county;

Part VI. —*cont.*

and save as aforesaid no court shall be deemed to be a court acting for the same place as any other court.

(*b*) In this subsection the expression "county" includes a county of a city, and a burgh being a county of a city shall be deemed to be a burgh situated in the county of the city, and the sheriff court for any county means the sheriff court of the sheriffdom comprising the county.

(4) References in this Act to findings of guilty and findings that an offence has been committed shall be construed as including references to pleas of guilty and admissions that an offence has been committed.

(5) References in any Act or other document to reformatory schools or industrial schools and to youthful offenders and children sent thereto or detained therein shall be construed as including references to approved schools and to children and young persons sent thereto or detained therein, and references in any Act or other document to orders committing a child or young person to the care of a fit person under any of the provisions of the principal Act shall be construed as including references to orders of the like nature made under Part II of this Act.

(6) References in any Act or other document to juvenile courts under the principal Act shall be construed as including references to such courts under this Act.

Power of Secretary of State may be transferred.

81. It shall be lawful for the Secretary of State, with the consent of the Treasury, from time to time to make an order transferring to the Scottish Education Department or to the Department of Health for Scotland any power for the time being possessed by him under this Act (not being a power under Part I of this Act), and by such order to make any adjustment consequential on the transfer and to provide for any matter necessary or proper for giving full effect to the transfer, and, on any such order being made, the powers so transferred shall be exerciseable by the Scottish Education Department, or the Department of Health for Scotland, as the case may be.

Transitory provisions, and repeals. 52 & 53 Vict. c. 63.

82.—(1) Without prejudice to the provisions of the Interpretation Act, 1889, with respect to repeals, the transitory provisions set out in the Third Schedule to

Part VI. —*cont.*

this Act shall, notwithstanding anything in this Act, have effect in relation to things done before, or in process of being done at, the commencement of this Act under any enactments repealed or amended by this Act.

(2) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Short title, construction, commencement and extent.

83.—(1) This Act may be cited as the Children and Young Persons (Scotland) Act, 1932, and the Children Acts, 1908 to 1913, the Children (Employment Abroad) Act, 1930, as those Acts apply to Scotland, and this Act may be cited together as the Children and Young Persons (Scotland) Acts, 1908 to 1932.

20 & 21 Geo. 5. c. 21.

(2) This Act shall be construed as one with the principal Act as that Act applies to Scotland.

(3) This Act shall come into operation on such date as the Secretary of State may appoint, and the Secretary of State may appoint different dates for different purposes and different provisions of this Act.

SCHEDULES.

FIRST SCHEDULE.

Section 36.

Provisions with respect to Approved Schools and Persons sent thereto.

Approval of Schools.

1. The managers of any school intended for the education and training of persons to be sent there in pursuance of this Act may apply to the Scottish Education Department to approve the school for that purpose, and the Scottish Education Department may, after making such inquiries as they think fit, approve the school for that purpose and issue a certificate of approval to the managers.

2. If at any time the Scottish Education Department are dissatisfied with the condition or management of an approved

1st Sch. —*cont.* school, or consider its continuance as an approved school unnecessary, they may by notice served on the managers withdraw the certificate of approval of the school as from a date specified in the notice, not being less than six months after the date of the notice, and upon the date so specified (unless the notice is previously withdrawn) the withdrawal of the certificate shall take effect and the school shall cease to be an approved school:

Provided that the Scottish Education Department instead of withdrawing the certificate of approval, may by a notice served on the managers of the school prohibit the admission of persons to the school for such time as may be specified in the notice, or until the notice is revoked.

3. The managers of an approved school may, on giving six months' notice in writing to the Scottish Education Department of their intention so to do, surrender the certificate of approval of the school, and at the expiration of six months from the date of the notice (unless the notice is previously withdrawn), the surrender of the certificate shall take effect, and the school shall cease to be an approved school.

4. No person shall in pursuance of this Act be received into the care of the managers of an approved school after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of intention to surrender the certificate; but the obligations of the managers with respect to persons under their care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.

5. The Scottish Education Department shall cause any grant of a certificate of approval of an approved school, and any notice of the withdrawal of, or intention to surrender, such a certificate, to be advertised within one month from the date thereof in the Edinburgh Gazette.

6.—(1) The production of a copy of the Edinburgh Gazette containing a notice of the grant, or of the withdrawal or surrender, of a certificate of approval of an approved school shall be sufficient evidence of the fact of a certificate having been duly granted to the school named in the notice, or of the withdrawal or surrender of such a certificate.

(2) The grant of a certificate of approval of an approved school may also be proved by the production of the certificate itself, or of a document purporting to be a copy of the certificate and to be authenticated as such by the Secretary or an Assistant Secretary of the Scottish Education Department.

Classification and Administration of Schools.

1st Sch. —*cont.*

7. The Scottish Education Department may classify approved schools according to the age of the persons for whom they are intended, the character of the education and training given therein, the religious persuasion of the persons for whom they are intended, their geographical position, and otherwise as they think best calculated to secure that a person sent to an approved school is sent to a school appropriate to his case, or as may be necessary for the purposes of this Act.

8.—(1) The Scottish Education Department may make rules for the management and discipline of approved schools, and different rules may be made as respects different schools or classes of school.

(2) The managers of an approved school may make supplementary rules for the management and discipline of the school, but rules so made shall not have effect unless approved by the Scottish Education Department.

9. No substantial addition to, or diminution or alteration of, the buildings or grounds of an approved school shall be made without the approval in writing of the Scottish Education Department.

10. The managers of any approved school may, as part of the expenses of the management of the school, pay, or contribute towards the payment of—

(i) a superannuation allowance or gratuity—

(*a*) to any officer who retires by reason of old age or permanent infirmity of mind or body;

(*b*) to any officer, who, in accordance with the terms of his appointment, is required to vacate his office by reason of the death, or the retirement on account of old age or permanent infirmity, of another officer;

(ii) a gratuity to any dependant of an officer who has died in the service of the school:

Provided that no payment or contribution in respect of any such superannuation allowance or gratuity shall be made unless it is made in accordance with rules approved by the Scottish Education Department with the concurrence of the Treasury for regulating the grant of such allowances and gratuities, or unless it is specially sanctioned by the Scottish Education Department.

11.—(1) In the case of an approved school established or taken over by an education authority, or by a joint committee representing two or more education authorities, the education authority or, as the case may be, the joint committee, shall, for the

1st Sch. —*cont.* purposes of this Act, be deemed to be the managers of the school, and in the case of any other approved school, the persons for the time being having the management or control thereof shall be deemed to be the managers.

(2) Any notice or other document required or authorised by this Act to be served on the managers of an approved school may, if those managers are an education authority or a joint committee, be served either personally or by post upon their clerk, and in any other case, may be served either personally or by post upon any one of the managers, or their secretary, or the headmaster of the school.

(3) An order, licence or other document may be authenticated on behalf of the managers of an approved school, if they are an education authority or a joint committee, by the signature of their clerk or some other officer of the education authority duly authorised in that behalf and, in any other case, by the signature of one of the managers, or their secretary, or the headmaster.

Treatment of Pupils.

12. A minister of the religious persuasion to which a person in an approved school belongs may visit him at the school on such days, at such times, and on such conditions, as may be fixed by rules made by the Scottish Education Department for the purpose of affording him religious assistance and instruction.

13. If it appears to the managers of an approved school that a person who has been ordered to be sent to their school requires medical attention before he can properly be received into the school, or that a person detained in the school requires such attention, they may make arrangements for him to be received into and detained in any hospital, home or other institution where he can receive the necessary attention; and that person, whilst so detained, shall for the purposes of this Act be deemed to be under the care of the managers of the school, and shall, for the purposes of section ten of the Mental Deficiency and Lunacy (Scotland) Act, 1913, be deemed to be detained in the school.

14. At any time during the period of a person's detention in an approved school the managers of the school may grant leave to him to be absent therefrom in the charge of such person and for such period as they think fit, but during such leave he shall, for the purposes of this Act, be deemed to be under the care of the managers of the school, and the managers may at any time require him to return to the school.

15.—(1) At any time during the period of a person's detention in an approved school the managers of the school may and, if the

Scottish Education Department so direct, shall by licence in writing permit him to live with his parent, or with any trustworthy and respectable person (to be named in the licence) who is willing to receive and take charge of him:

1st Sch—*cont.*

Provided that, without the consent of the Scottish Education Department, a licence shall not be granted during the first twelve months of the period of a person's detention.

(2) The Scottish Education Department shall through their inspectors review the progress made by persons detained in approved schools with a view to ensuring that they shall be placed out on licence as soon as they are fit to be so placed out.

(3) The managers of the school may at any time by order in writing revoke any licence, and require the person to whom it relates to return to the school.

(4) For the purposes of this Act a person who is out on licence from an approved school shall be deemed to be under the care of the managers of the school.

16.—(1) A person sent to an approved school shall after the expiration of the period of his detention be under the supervision of the managers of his school—

(*a*) if at the expiration of that period he has not attained the age of fifteen years, until he attains the age of eighteen years:

(*b*) if he has at the expiration of that period attained the age of fifteen years, for a period of three years or until he attains the age of twenty-one years, whichever may be the shorter period.

(2) The managers may, and, if the Scottish Education Department so direct, shall, by notice in writing recall to the school any person under their supervision who is at the date of the recall under the age of nineteen years:

Provided that a person shall not be so recalled unless in the opinion of the managers, or, as the case may be, of the Scottish Education Department, it is necessary in his interests to recall him.

(3) A person who has been so recalled shall be released as soon as the managers think that he can properly be released, and in no case shall he be detained—

(*a*) after the expiration of a period of three months, or of such longer period not exceeding six months as the Scottish Education Department may, after considering the circumstances of his case, direct; or

(*b*) after attaining the age of nineteen years.

(4) The managers shall forthwith notify the Scottish Education Department of the recall of any person and shall state the reasons for his recall, and when the managers release any

1st Sch. —*cont.* person so recalled they shall forthwith notify the Scottish Education Department that they have done so.

(5) For the purposes of this Act a person who is out under supervision from an approved school shall be deemed to be under the care of the managers of the school.

(6) Nothing in this paragraph fixing by reference to a person's age or otherwise the date at which he is to be released from an approved school, shall be construed as affecting the provisions of this Schedule relating to persons guilty of misconduct in schools or of escaping, running away, or refusing to return.

17.—(1) Subject as hereinafter provided, all rights and powers exercisable by law by a parent shall as respects any person under the care of the managers of an approved school be vested in those managers:

Provided that, where a person out on licence or under supervision from an approved school is lawfully living with his parents or either of them, the said rights and powers shall be exercisable by the parents or, as the case may be, by the parent with whom he is living; but it shall be their, or his, duty so to exercise those rights and powers as to assist the managers to exercise control over the person in question.

(2) The managers of an approved school shall be under an obligation to provide for the clothing, maintenance and education of the persons under their care, except that while such a person is out on licence, or under supervision, their obligation shall be to cause him to be visited, advised and befriended and to give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

18. If a person under the care of the managers of an approved school conducts himself well, the managers of the school may, with his written consent, apprentice or place him in any trade, calling, or service, including service in the Navy, Army or Air Force, or may, with his written consent and with the written consent of the Scottish Education Department, arrange for his emigration.

Before exercising their powers under this paragraph the managers shall, in any case where it is practicable so to do, consult with the parents of the person concerned.

Powers of Officers.

19. Every person who—

(*a*) is authorised by the managers of an approved school to take charge of a person under their care, or to apprehend such a person and bring him back to the school; or

1st Sch.—cont.

(b) is authorised by an education or poor law authority or, being a probation officer, is authorised by a court, to take to an approved school a person ordered to be detained therein,

shall, for the purposes of his duty as aforesaid, have all the powers, protection, and privileges of a constable.

Offences.

20. If a person detained in an approved school is guilty of serious misconduct, the managers, if authorised by the Scottish Education Department so to do, may bring him before a court of summary jurisdiction and that court may order him—

(a) if he is under the age of sixteen years, to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or

(b) if he has attained the age of sixteen years but is under the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years; or

(c) if he has attained the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for two years, or to be imprisoned for three months.

21.—(1) Any person who has been ordered to be sent to an approved school and who—

(a) escapes from the school in which he is detained, or from any hospital, home or institution in which he is receiving medical attention; or

(b) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave, or upon the revocation of his licence; or

(c) being absent from his school under supervision, fails to return to the school upon being recalled,

may be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be brought before a court of summary jurisdiction having jurisdiction where he is found, or where his school is situate; and that court may order him—

(i) if he is under the age of sixteen years, to be brought back and to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or

(ii) if he has attained the age of sixteen years, but is under the age of seventeen years, to be brought back

1st Sch. —*cont.*

and to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years; or

(iii) if he has attained the age of seventeen years, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for two years.

(2) Where a person is under the provisions of the preceding sub-paragraph brought back to his school, the period of his detention shall, over and above any increase ordered by a court under those provisions, be increased by a period equal to the period during which he was unlawfully at large.

(3) The expenses of bringing a person back to a school shall be borne by the managers of the school.

(4) If any person knowingly—

(*a*) assists or induces a person to commit any such offence as is mentioned in sub-paragraph (1) of this paragraph; or

(*b*) harbours or conceals a person who has committed such an offence, or prevents him from returning,

he shall, on summary conviction, be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) If a court of summary jurisdiction is satisfied by information on oath that such an offence as aforesaid has been committed and that there is reasonable ground for believing that some person named in the information could produce the offender, the court may issue a summons requiring that person to attend at the court on such day as may be specified in the summons, and to produce the offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on summary conviction to a fine not exceeding five pounds.

22.—(1) Where a child or young person has been ordered to be sent to an approved school, any person who harbours or conceals him after the time has come for him to go to his school shall on summary conviction be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(2) Where a person authorised to take a child or young person to an approved school is, when the time has come for him to go to his school, unable to find him or unable to obtain possession of him, a court of summary jurisdiction may, if satisfied by information on oath that some person named in the

information can produce the child or young person, issue a summons requiring the person so named to attend at the court on such day as may be specified in the summons and produce the child or young person and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on conviction by a court of summary jurisdiction to a fine not exceeding five pounds.

Transfer and Discharge.

23.—(1) The Scottish Education Department may at any time order a person under the care of the managers of an approved school to be discharged, or to be transferred to the care of the managers of another school, or with the consent of the Secretary of State, to the care of the managers of a school in England which is an approved school within the meaning of the Children and Young Persons Act, 1932.

(2) Upon a person being so discharged or transferred as aforesaid, the Scottish Education Department shall cause notice to be sent to the education authority liable to make contributions in respect of him.

(3) Where a person is transferred under the preceding provisions of this paragraph to the care of the managers of a school in England, the provisions of this Act relating to contributions by parents, guardians and others, and education authorities, shall apply in respect of him as if the school in England were an approved school within the meaning of this Act, and if under the law in force in England he is retransferred to the care of the managers of a school in Scotland which is an approved school within the meaning of this Act, this Act shall have effect in relation to the retransfer as if it were a transfer under this paragraph from the care of the managers of one approved school in Scotland to the care of the managers of another approved school in Scotland.

24. Where a person detained in an approved school is transferred to the care of the managers of another school, he shall be conveyed to his new school by and at the expense of the managers of the first-mentioned school.

Obligations of Managers.

25. The managers of an approved school shall be bound to accept any person who in pursuance of this Act is sent or transferred to their school or otherwise to their care, unless—

(i) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or

1st Sch. —*cont.*

(ii) the school is a school provided by an education authority which is not, or by a combination of education authorities no one of which is, liable to make contributions in respect of the person whom it is proposed to send or transfer; or

(iii) the managers of the school satisfy the Scottish Education Department that there are already as many persons detained in that school, or, as the case may be, otherwise under their care, as is desirable.

Religious Teaching.

26.—(1) A court, or the Scottish Education Department, in determining the approved school to which a person is to be sent or transferred shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(2) Where an order has been made for sending or transferring a person to an approved school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian or nearest adult relative may apply—

(*a*) if the order was made by a court of summary jurisdiction, to a juvenile court acting for the same place; and

(*b*) in any other case, to the Scottish Education Department,

to remove or send the person to an approved school for persons of his religious persuasion, and the court or Scottish Education Department shall, on proof of his religious persuasion, and, notwithstanding any declaration with respect thereto embodied in the approved school order, if any, relating to him, comply with the request of the applicant:

Provided that—

(i) the application must be made before, or within thirty days after, the person's arrival at the school; and

(ii) the applicant must name a school for persons of the religious persuasion in question and show to the satisfaction of the court or Scottish Education Department that the managers thereof have accommodation available; but

(iii) nothing in this sub-paragraph shall be construed as preventing any such person as aforesaid from making an application to the Scottish Education Department after the expiration of the said period of thirty days to exercise any other power of transfer conferred upon them by this Act.

SECOND SCHEDULE.

Section 71.

Minor and Consequential Amendments of Principal Act.

Section of Principal Act.	Nature of Amendment.
S. 1 - -	In subsection (4) for the words “ If a person who “ has undertaken the nursing and maintenance “ of any such infant changes his residence, he “ shall within forty-eight hours thereof ” there shall be substituted the words “ If a “ person who is maintaining an infant in “ respect of whom notice is required to be “ given under this Part of this Act changes “ his residence, he shall at least seven days “ before so doing ”; for the words “ he shall give ” there shall be substituted the words “ he shall at least seven days before so moving give ”; and at the end of the subsection there shall be inserted the words “ Provided that, “ where an immediate change of residence “ is necessitated by any emergency, a notice “ under this subsection may be given at any “ time within forty-eight hours after the “ change of residence.” In subsection (5) for the words “ forty-eight hours ” there shall be substituted the words “ twenty-four hours ”. In subsection (7) for the words “ within the time specified ” shall be substituted the words “ before the latest time specified ”, and at the end of the subsection the following words shall be inserted : “ For the purposes of any “ enactment by which the time for taking “ proceedings is limited, an offence under this “ subsection shall be deemed to continue so “ long as the infant in respect of whom a “ notice ought to have been given remains in “ the care of the offender without any notice “ having been given ”.
S. 2 - -	In subsection (2) the words “ of either sex,” in both places where those words occur, shall be omitted; for the words “ referred to in any notice given ” there shall be substituted the words “ in respect of whom notice

2nd Sch. —*cont.*

Section of Principal Act.	Nature of Amendment.
	is required to be given"; for the words "proper nursing and maintenance" there shall be substituted the words "health and well-being", for the words "their nursing and" there shall be substituted the words "the care of their health and their", and at the end of the subsection there shall be added the words "Where a local authority appoint or authorise one person only to act under this subsection, that person and, where they so appoint or authorise two or more persons, one at least of those persons, shall be a woman." In subsection (6) for the word "seven" there shall be substituted the word "nine", and the words "house or" shall be omitted.
S. 3 - -	In paragraph (*c*) after the word "or" there shall be inserted the words "of any offence of cruelty".
S. 8 - -	For subsection (2) the following subsection shall be substituted :— "(2) Any notice by this Part of this Act required to be given to a local authority may be sent by post in a registered letter addressed to them or their clerk at their offices or to some other officer of the local authority, duly authorised in that behalf: any notice so required to be given to a coroner may be sent by post in a registered letter addressed to him at his office or at his residence, and any notice so required to be given to any other person may be sent by post in a registered letter addressed to him at his last known place of abode or permanent address."
S. 12 - -	In subsection (1) for the words "over the age of sixteen years" there shall be substituted the words "who has attained the age of sixteen years and", and after the words "any child or young person" there shall be inserted the words "under the age of sixteen years". In subsection (4) for the words "over the age of sixteen" there shall be substituted the words "who has attained the age of sixteen years and is" and after the words "young

2nd Sch. —*cont.*

Section of Principal Act.	Nature of Amendment.
	person" there shall be inserted the words "under the age of sixteen years".
S. 13 - -	For the words "over sixteen years of age" there shall be substituted the words "who has attained the age of sixteen years".
S. 14 - -	In subsection (1) after the words "child or young person" in the first two places where those words occur there shall be inserted the words "under the age of sixteen years".
S. 15 - -	For the words "over the age of sixteen years" there shall be substituted the words "who has attained the age of sixteen years and".
S. 16 - -	In subsection (1) for the words "between the ages of four and sixteen" there shall be substituted the words "who has attained the age of four years and is under sixteen".
S. 19 - -	In paragraph (*b*) of subsection (1) for the words "an offence of cruelty" there shall be substituted the words "an offence under this Part of this Act".
S. 24 - -	In subsection (1) for the words "a court of summary jurisdiction," in both places where those words occur, there shall be substituted the words "a juvenile court," and the words from "and the court before whom" to the end of the subsection shall be omitted.
S. 32 - -	In subsections (1) and (2) there shall be inserted after the words "the person charged shall not" the words "if he is summarily convicted".
S. 40 - -	The words from "and such constable" to the end of the section shall be omitted.
S. 41 - -	For the words "children or young persons" there shall be substituted the words "persons apparently under the age of sixteen".
S. 94 - -	For the words "sixteen years" there shall be substituted the words "seventeen years".
S. 95 - -	For the words "sixteen years" there shall be substituted the words "seventeen years" and for the words "place of detention provided under this Part of this Act" there shall be substituted the words "remand home".

2nd Sch. —*cont.*

Section of Principal Act.	Nature of Amendment.
S. 97 - -	In subsection (1) for the words "A court of summary jurisdiction" there shall be substituted the words "Any court", for the words "place of detention provided under this Part of this Act and" there shall be substituted the words "remand home", and in subsection (2) for the words "revoked by any court of summary jurisdiction acting in or for the place in or for which the court which made the order acted" there shall be substituted the words "revoked by the court which made the order, or if application cannot conveniently be made to that court, by a court of summary jurisdiction having jurisdiction in the place where the court which made the order sat".
S. 98 - -	In subsection (1) for the words "or where a child is brought before a petty sessional court on an application for an order to send him to a certified industrial school" there shall be substituted the words "or is for any other reason brought before a court", and the words "and the person so charged or brought before the court is a child" shall be omitted.
	In subsection (2) after the word "arrested", where that word first occurs, there shall be inserted the words "or taken to a place of safety", and after the words "to which he is brought" there shall be inserted the words "or the person by whom he is taken to the place of safety".
S. 99 - -	Subsection (3) shall be omitted.
S. 102 - -	In subsection (3) for the words "place of detention provided under this Part of this Act" there shall be substituted the words "remand home".
S. 103 - -	For the words "a child or young person" there shall be substituted the words "a person under the age of eighteen years" and for the words "the child or young person" there shall be substituted the word "him".

2nd Sch.—*cont.*

Section of Principal Act.	Nature of Amendment.
S. 104 - -	For the words "no punishment which under the provisions of this Act it is authorised to inflict is sufficient" there shall be substituted the words "none of the other methods in which the case may legally be dealt with is suitable".
S. 106 - -	For the words "place of detention provided under this Part of this Act and," there shall be substituted the words "remand home".
S. 109 - -	In subsection (1) for the words "place of detention provided under this Part of this Act" there shall be substituted the words "remand home", and for the words "place of detention" there shall be substituted the word "home"; in subsection (2) for the words "place of detention" where they first occur, there shall be substituted the words "remand home", and the words "and if he escapes, may be apprehended without warrant and brought back to the place of detention in which he was detained" shall be omitted; and in subsection (3) for the words "places of detention", wherever they occur, there shall be substituted the words "remand homes", for the words "place of detention" there shall be substituted the words "remand home", and the words "provided under this Part of this Act", wherever they occur, shall be omitted.
S. 118 - -	In subsection (1) for the words "above the age" there shall be substituted the words "who has attained the age".
S. 120 - -	In subsection (1) for the words "the hours of closing" there shall be substituted the words "the hours during which intoxicating liquor is not permitted to be sold or supplied therein". In subsection (3) for the words "was apparently a person over the age" there shall be substituted the words "had apparently attained the age".
S. 121 - -	In subsection (1) the words "and access to any part of the building in which children are accommodated is by stairs" shall be omitted; for the words "any such part of the building than that part" there shall be substituted the

2ND SCH. —*cont.*

Section of Principal Act.	Nature of Amendment.
	words “the building or to any part of the building than the building or part of the building”; and for the words “to any such part whilst entering and leaving” there shall be substituted the words “whilst entering and leaving the building or any part of the building.” In subsection (3) after the words “if the building in which the entertainment is given is licensed”, there shall be inserted the words “under the Cinematograph Act, 1909, or”. At the end of subsection (4) there shall be inserted the words “and an officer authorised for the purpose by an authority by whom licences are granted under any of the enactments referred to in the last preceding subsection shall have the like power of entering any building so licensed by that authority.” In subsection (5) after the words “have taken place”, there shall be inserted the words “is situate”, and after the words “is licensed by the council of the county or county borough” there shall be inserted the words “under the Cinematograph Act, 1909, or”.
S. 123 - -	In subsection (1) for the words “is of the age of sixteen years or upwards” there shall be substituted the words “has attained the age of seventeen years”; and in subsection (2) for the words “was under or above” there shall be substituted the words “was under or had attained”, and for the words “to have been under or above”, wherever those words occur, there shall be substituted the words “to have been under or to have attained”.
S. 131 - -	For the definition of “young person” there shall be substituted the following definition— “The expression ‘young person’ means a person who has attained the age of fourteen years and is under the age of seventeen years”; in the definitions of “guardian” and “legal guardian” for the words “child, young person

2nd Sch. —*cont.*

Section of Principal Act.	Nature of Amendment.
	or youthful offender," wherever those words occur, there shall be substituted the words "child or young person"; in the definition of "place of safety" after the words "means any" there shall be inserted the words "remand home"; for the definition of "police authority" the following definition shall be substituted— "The expression 'police authority' means as respects the City of London, the Common Council, and elsewhere has the same meaning as in the Police Act, 1890"; and the definitions of "police fund" and "common fund" shall be omitted.
S. 132 - -	In paragraph (16) for the words "as expenses "incurred by a town council under section "seventy-four of this Act" there shall be substituted the words "out of such rate "payable by owners and occupiers in equal "proportions as the council may determine".

THIRD SCHEDULE.

Section 82.

Transitory Provisions.

1. Any rule, byelaw, warrant or licence under any enactment repealed and re-enacted, either with or without modifications, by this Act shall have the like effect, and the like proceedings may be had thereon and in respect thereof, as if it had been made, made and confirmed, or granted, under this Act:

Provided that this paragraph shall not apply to rules made under section fifty-four of the principal Act for the management and discipline of a certified school or to byelaws made under the Employment of Children Act, 1903.

2. Any person who at the commencement of this Act is under section twenty of the principal Act being detained in a place of safety may be so detained until he can be brought before a juvenile court under this Act.

3RD SCH. —*cont.*

3. Nothing in this Act shall render invalid any complaint pending at the commencement of this Act for bringing a child or young person before a court of summary jurisdiction with a view to his being committed under section twenty-one or under Part IV of the principal Act to the care of a relative or other fit person, or with a view to his being sent to a certified school, but in any area in which section one of this Act applies the court before whom the child or young person is brought under the complaint, if it is constituted as a juvenile court, shall proceed as if he had been brought before them under this Act as being a child or young person needing care or protection, and if it is not constituted as a juvenile court, shall adjourn the case until it can be so constituted and shall then proceed as aforesaid.

4. Where before the commencement of this Act an order has been made under the principal Act, committing a child or young person to the care of a relative or other fit person, this Act shall have effect in relation to the child or young person as if the order had been an order made under Part II of this Act :

Provided that notwithstanding anything in this Act the order shall not have effect for any longer period than the period for which it would have had effect if this Act had not passed.

5. Where a child or young person has at the commencement of this Act been ordered to be sent to a certified school but has not reached his school, the like proceedings may be had and the like things done for the purpose of securing that he is sent to a school and with respect to his custody in the meantime as might have been had or done if this Act had not passed.

6. Subject as hereafter provided in this Schedule, this Act shall apply in relation to persons who at or after the commencement thereof are lawfully detained in, or out on licence or under supervision from, or are absentees from, a certified school as if they were persons detained in or out on licence or under supervision from, or absentees from, an approved school under the provisions of this Act :

Provided that the periods for which such persons are liable to be detained in approved schools and to remain under the supervision of the managers shall (except so far as increased by virtue of the provisions of the First Schedule to this Act relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return when re-called) be such as if this Act had not passed.

7. Where a child or young person has before the commencement of this Act been ordered to be sent to a certified school, it shall be the duty of the council or authority, if any, who under the principal Act was liable to provide for his reception and maintenance in the school to make such contributions in respect of

him as would by this Act be required to be made if he had been sent to the school under an approved school order and they were the education authority named in that order as being the authority within whose area he was resident: and if in any such case as aforesaid— 3rd Sch. —*cont.*

(*a*) it has not been determined at the commencement of this Act who are the council or authority who are responsible as aforesaid; or

(*b*) proceedings might but for the passing of this Act have been had for varying a determination as to that question,

the like proceedings may be had for determining the question and for varying any determination in respect thereof as might have been had if this Act had not passed.

8. Where a child or young person has before the commencement of this Act been ordered to be sent to a certified school at the instance of a county, town or parish council, the county or town council concerned shall be under the like obligation to make contributions to the expenses of the managers of the school as they would be under if he had been sent to the school by virtue of an approved school order made on their application in their capacity as a poor law authority.

9. Where before the commencement of this Act a child or young person has been committed to the care of a relative or other fit person or has been ordered to be sent to a certified school and an order is in force at the commencement of this Act requiring any person liable to maintain him to contribute to his maintenance, or requiring the whole or any part of any payment under a decree for aliment to be paid to a person named in the order, this Act shall apply in relation to the order as if it had been made under this Act, and where the order provides for the making of payments to the Scottish Education Department, it shall, by virtue of this Act and without more, be deemed to provide that the payments shall be made to the education authority within whose area the person liable to make the payments is from time to time resident.

10. Where in pursuance of section fifty-three of the principal Act a child has been boarded out by the managers of a certified school, this Act shall apply in relation to that child—

(*a*) if the managers are a county or town council or an education authority, as if he had been committed under this Act to their care and had been boarded out by them under this Act;

(*b*) if the managers are not a county or town council or an education authority, as if he were out on licence from the school.

3rd Sch. —*cont.*

11. Where before the commencement of this Act a child or young person has entered into a bond under the proviso to subsection (4) of section fifty-eight of the principal Act or under section sixty of the principal Act (which provide for the placing of certain children and young persons under the supervision of probation officers) the provisions of this Act with respect to the effect of orders under Part II of this Act placing children and young persons under the supervision of probation officers or other persons shall apply as if such an order had been made with respect to him, and the bond shall cease to have effect.

12. The repeal by this Act of the provisions of the principal Act relating to places of detention shall not render illegal the custody of a child or young person in such a place unless and until a remand home for the area in question has been provided in substitution therefor, and when such a home has been provided the children or young persons in custody in the place of detention shall be transferred to and kept in custody in the home.

Section 82.

FOURTH SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 78.	The Education (Scotland) Act, 1878.	Sections six to ten and twelve and thirteen.
42 & 43 Vict. c. 34.	The Children's Dangerous Performances Act, 1879.	The whole Act.
60 & 61 Vict. c. 52.	The Dangerous Performances Act, 1897.	The whole Act.
1 Edw. 7. c. 9	The Education (Scotland) Act, 1901.	Section two.
3 Edw. 7. c. 45	The Employment of Children Act, 1903.	The whole Act.
4 Edw. 7. c. 15	The Prevention of Cruelty to Children Act, 1904.	The whole Act.
8 Edw. 7. c. 59	The Prevention of Crime Act, 1908.	Section two.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67	The Children Act, 1908.	Subsections (1) to (3) of section one; sections four and five; in subsection (1) of section eleven the words from "or to hospitals" to the end of the subsection; subsection (8) of section twelve; sections eighteen, twenty to twenty-three, twenty-five, twenty-six, thirty-three and thirty-four; subsection (1) of section thirty-eight; sections forty-four to ninety-three, ninety-six, one hundred and seven, one hundred and eight, and one hundred and ten, and (as regards areas in which section one of this Act applies), section one hundred and eleven; in subsection (1) of section one hundred and eighteen the words "and "shall, for the purposes of the "provisions of this Act relating "to the descriptions of children who may be sent to a "certified industrial school, be "deemed not to be exercising "proper guardianship over the "child"; section one hundred and twenty-five; in section one hundred and thirty-two paragraph (1); in paragraph 9 the words "and in subsection "seven of section seventy-"four"; in paragraph (13) the proviso; in paragraph (17) the words from the beginning to "any pauper" and paragraphs (18) and (21).
3 & 4 Geo. 5. c. 7.	The Children (Employment Abroad) Act, 1913.	Subsection (2) of section one, and in section four the definition of "police magistrate."
8 & 9 Geo. 5. c. 48.	The Education (Scotland) Act, 1918.	Sections sixteen and nineteen, and in the Fifth Schedule paragraphs 2 and 4.
11 & 12 Geo. 5. c. 4.	The Children Act, 1921.	The whole Act.

CHAPTER 48.

An Act to authorise the making of schemes with respect to the development and planning of land, whether urban or rural, and in that connection to repeal and re-enact with amendments the enactments relating to town planning; to provide for the protection of rural amenities and the preservation of buildings and other objects of interest or beauty; to facilitate the acquisition of land for garden cities; and to make other provision in connection with the matters aforesaid. [12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Scope of Planning Schemes.

Scope of planning schemes.

1. A scheme may be made under this Act with respect to any land, whether there are or are not buildings thereon, with the general object of controlling the development of the land comprised in the area to which the scheme applies, of securing proper sanitary conditions, amenity and convenience, and of preserving existing buildings or other objects of architectural, historic or artistic interest and places of natural interest or beauty, and generally of protecting existing amenities whether in urban or rural portions of the area.

Authorities.

Local authority for purposes of Act.

2.—(1) Subject to the provisions of this section, the local authorities for the purposes of this Act shall be, as respects the city of London, the common council of that city, as respects the county of London, the London County Council, and elsewhere, the councils of county boroughs and county districts.

(2) The council of any county district may at any time by agreement relinquish in favour of the council of the county within which the district is situate, or, if the district extends into two or more counties, in favour of the council of any of those counties, any of their powers or duties under this Act upon such terms and subject to such conditions, if any, as may be specified in the agreement, and the relinquishment may be either for a specified term or pending the rescission or variation of the agreement in pursuance of the terms thereof, and the agreement may apply with such modifications and adaptations, if any, as may be agreed, any of the provisions of the Local Government Act, 1929, relating to the transfer of property and liabilities. 19 & 20 Geo. 5. c. 17.

Where an agreement made under this section for relinquishing any power or duty to a county council is in force, any reference in this Act to a local authority shall, in relation to that power or duty, be construed as a reference to the county council.

(3) Where an agreement is made or is rescinded or varied under the last preceding subsection, the county council shall forthwith send a copy of the agreement or, as the case may be, notice of the rescission or variation to the Minister of Health (in this Act referred to as "the Minister").

Appointment of joint committees.

3.—(1) Where two or more authorities, being local authorities or county councils, are desirous of acting jointly in the preparation or adoption of a scheme, they may concur in appointing a joint committee for the purpose and in delegating, with or without restrictions, to that committee any powers, other than the power to borrow money or levy a rate, which any of the constituent authorities might exercise for the purpose, and in imposing on that committee any duties which any of the constituent authorities are required to discharge for the purpose.

(2) Every person appointed to represent a constituent authority on a joint committee must be a member of one at least of the constituent authorities, but the same person may be appointed to represent two or more of those authorities.

(3) A constituent authority may appoint their representative on a joint committee to serve as such for

so long as he holds office as a member of any one of the constituent authorities, or for any shorter period.

(4) A joint committee may, with the consent of a majority of the constituent authorities, co-opt persons, whether members of a constituent authority or not, to serve as additional members of the committee, so, however, that at least three-fourths of the members of the joint committee shall be persons who are appointed members of that committee.

(5) A joint committee may appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee think fit, so, however, that at least three-fourths of the members of a sub-committee shall be persons who are appointed members of the joint committee.

(6) The expenses of a joint committee shall be defrayed by the constituent authorities, or some or one of them, as they may agree, and if any question arises as to the authorities or authority by whom, or the proportions in which, any such expenses are to be defrayed, that question shall be determined by the Minister.

56 & 57 Vict. c. 73.

(7) The provisions of section fifty-eight of the Local Government Act, 1894, with respect to accounts and audit shall, with any necessary modifications, apply in relation to a joint committee as if county councils were included amongst the councils mentioned in subsection (1) of the said section fifty-eight.

Combination of authorities for purposes of schemes.

4.—(1) If it appears to the Minister to be expedient that two or more authorities, being local authorities or county councils, should act jointly in the preparation or adoption of a scheme, he may, at the request of any one or more of them by order provide for the constitution of a joint committee for the purpose and transfer to the committee any powers, other than the power to borrow money or levy a rate, and duties which any of the constituent authorities might exercise and discharge for the purpose:

Provided that, before making any such order, the Minister shall, unless all the authorities affected thereby assent to the making thereof, cause a local inquiry to be held.

(2) An order under this section may provide for the application, with any necessary modifications, to the committee thereby constituted of any of the provisions of the last preceding section, and may, if it appears to the Minister to be necessary, provide for the dissolution of any joint committee constituted under the foregoing provisions of this Act or any repealed enactment relating to town planning.

Power to alter constitution of joint committees.

5.—(1) Where a joint committee have been appointed, whether under section three or section four of this Act or under any repealed enactment relating to town planning—

(*a*) the council of any county into which the district of any of the constituent authorities extends; or

(*b*) any local authority whose district adjoins the district of any of the constituent authorities;

shall at any time, if they desire to be represented on the joint committee and, in the case of a local authority, if the Minister considers that they ought to be so represented, be entitled to appoint such number of additional members of the committee and shall delegate to the committee such powers, other than the power to borrow money or levy a rate, and duties, as may be agreed with the joint committee or, failing agreement, may be determined by the Minister, and if at any time it appears to the Minister to be expedient that any such council or local authority as aforesaid who have not claimed to be represented on the joint committee should be so represented, he may by order make such alteration in the constitution of the committee and transfer to the committee such of the powers, other than as aforesaid, and duties of the said council or local authority as he thinks fit.

(2) A county council or local authority who by virtue of this section become represented on a joint committee shall for the purposes of subsections (2) to (7) of section three of this Act be deemed to be a constituent authority, but the alteration so made in the constitution of the committee shall not affect the identity of the committee, the validity of any previous proceedings thereof or the validity of any resolution previously passed by any of the constituent authorities.

Procedure with respect to Schemes.

Preparation or adoption of schemes.

6.—(1) Subject to the provisions of this section, a local authority or a joint committee duly authorised in that behalf may, by resolution, decide—

(*a*) to prepare a scheme with respect to any land within, or in the neighbourhood of, the district of the authority or, as the case may be, the districts of the constituent authorities; or

(*b*) to adopt, with or without modifications, a scheme proposed by all or any of the owners of any such land.

(2) A resolution passed under the foregoing subsection shall not take effect unless and until it is approved by the Minister, and the Minister in giving his approval may vary the extent of the land to be included in the area to which the resolution is to apply, but the Minister shall not approve any such resolution unless he is satisfied—

(*a*) in the case of any land already built upon, that public improvements are likely to be made, or other development is likely to take place, within such a period of time and on such a scale as to make the inclusion of the land in a scheme expedient, or that the land comprises buildings or other objects of architectural, historic or artistic interest, or that the land is so situate that the general object of the scheme would be better secured by its inclusion;

(*b*) in the case of land which is neither already built upon nor in course of development, nor likely to be developed, that the land is so situated in relation to land which is already built upon, or in course of development, or on which development is likely to take place, as to make its inclusion in a scheme expedient, or that it comprises objects or places of natural interest or beauty:

Provided that nothing contained in this subsection shall prevent the Minister from approving a resolution adopting a scheme comprising land in respect of which he is not satisfied that the conditions specified in this subsection are complied with, if the scheme has been proposed by the owners of not less than two-thirds of that land and approved by not less than three-fourths of the owners of that land.

(3) A local authority or joint committee, before passing a resolution which will apply to—

(i) any land not within the district or, as the case may be, districts aforesaid; or

(ii) any land to which either a resolution to prepare or adopt a scheme, or a scheme, being a resolution or scheme passed or made by another authority or committee, applies,

shall consult with every authority or committee who will be affected thereby.

(4) A resolution of a local authority or joint committee to prepare a scheme may be revoked, either as to the whole or any part of the area to which it applies, by a subsequent resolution of the authority or committee, or, if the Minister thinks that in the special circumstances of the case the resolution should be so revoked, by order of the Minister:

Provided that—

(*a*) a resolution under this subsection shall require the approval of the Minister, and the Minister may refuse to approve it except subject to such conditions as he thinks fit to impose; and

(*b*) before making an order under this subsection the Minister shall inform the authority or committee, as the case may be, of the order which he proposes to make and, if within twenty-eight days the authority or committee request him so to do, shall cause a local inquiry to be held into the matter.

(5) In giving his approval to a resolution under the last foregoing subsection, and in making an order thereunder, the Minister shall by the imposition of conditions or, as the case may be, by the terms of his order secure that—

(i) any person whose property has been injuriously affected by reason that since the commencement of this Act the Minister has refused, on an appeal made to him under an interim development order, to grant an application for permission to develop the property, or that the Minister has imposed any conditions on the grant of an application made since that date; and

(ii) any person who, for the purpose of complying with any conditions imposed on the grant of such an application, has since the commencement of this Act incurred expenditure which is rendered abortive by the revocation of the resolution to prepare a scheme,

shall be entitled, if he makes a claim for the purpose within twelve months from the date when the resolution is approved or the order is made, as the case may be, to claim compensation from such authority as may be specified in the condition or order:

Provided that the Minister shall not secure a right to compensation in respect of any injurious affection of property arising from refusal to permit any development, or from the imposition of any conditions, where he is satisfied that, if a scheme had come into operation containing provisions which would have had the effect of prohibiting that development, or under which those conditions could have been enforced, no right to compensation would have arisen under this Act in respect of the injurious affection of the property by the coming into operation of those provisions.

(6) Where a resolution or resolutions to prepare a scheme or schemes, has or have taken effect, the local authority or joint committee who passed the resolution or resolutions may prepare one scheme for dealing with the area to which the resolution applies or with the aggregate area to which the resolutions apply, as the case may be, or, if they think fit, may prepare different schemes for dealing with different parts of that area or aggregate area.

(7) Where under the last foregoing subsection a local authority or joint committee have power to prepare a scheme for any area, they may decide in lieu of proceeding with the preparation of a scheme to adopt, with or without modifications, a scheme for that area or any part thereof proposed by all or any of the owners of land in that area or part thereof. A decision under this subsection

shall not be deemed for the purposes of this Act to be a resolution to adopt a scheme, but as from the date of the decision the resolution or resolutions to prepare a scheme or schemes shall, so far as concerns the area or part of an area to which the decision relates, have effect as if the resolution or resolutions had been for the adoption of a scheme.

(8) The foregoing provisions of this section shall not apply in the case of a resolution to prepare a scheme varying an existing scheme or to prepare a supplementary scheme as defined by this Act.

Notices in relation to the making of, or under, schemes.

7.—(1) Where a resolution to prepare or adopt a scheme has taken effect, the local authority or joint committee who passed the resolution, shall within the period specified in the next succeeding subsection—

(*a*) publish a notice of the resolution in the London Gazette and at least once during each of two successive weeks, with an interval between each publication of at least six clear days, in a local newspaper; and

(*b*) serve in the prescribed manner a like notice, in the case of every hereditament in the area to which the resolution applies, on the person shown as the occupier thereof in the latest assessment to income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, and also upon the person so shown as the owner thereof.

8 & 9 Geo. 5. c. 40.

In this subsection the expression "latest assessment," in relation to any hereditament, means the last assessment to tax in respect of that hereditament allowed by the commissioners for the general purposes of the income tax before the date on which the resolution takes effect.

(2) A notice required by the last preceding subsection to be published and served in the manner therein mentioned shall be published in the London Gazette and once at least in a local newspaper within fourteen days, and be served within six months, after the date when the resolution takes effect, and shall contain—

(*a*) a concise statement of the effect of the resolution, together with information as to the place and times at which a map defining the area to which the resolution applies may be inspected; and

(*b*) a statement as to the right of persons concerned to have their names and addresses registered for the purpose of the service of subsequent notices; and

(*c*) in the case of a notice to be served on any person, a direction to the recipient to transmit it forthwith to the person, if any, to whom he pays rent for the property.

(3) A local authority or joint committee who are required under the foregoing provisions of this section to serve notices of a resolution may require the surveyor of taxes for the area to which the resolution applies to furnish to them, on payment at a rate not exceeding five shillings for every hundred entries numbered separately, a list of the names and addresses of the owners and occupiers within the said area as shown in assessments to income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, being the assessments last allowed by the Commissioners for the general purposes of the income tax before such date as may be specified in the requisition.

(4) For facilitating the service of subsequent notices, the local authority or joint committee by whom the resolution to prepare or adopt a scheme was passed shall compile a register of names and addresses in accordance with the provisions hereafter in this section contained.

(5) Until the coming into operation of the scheme it shall be the duty of the authority by whom the register was compiled to keep and maintain the register, and after the coming into operation of the scheme it shall be kept and maintained by such authority as may be provided in the scheme, and the scheme may provide for different portions of the register being kept and maintained by different authorities and for all authorities concerned having reasonable access to any part of the register, and shall contain such provisions with respect to the keeping and maintenance of the register as appear to be necessary, including provisions for securing that information as to the custody of the register, or the different portions thereof, is given to persons concerned.

(6) Any person who is, or claims to be, an owner of any property in the area to which the resolution applies, and any association representing owners of property within the district of the local authority or the districts of the local authorities represented on the joint committee by whom the resolution was passed, and any local association representing business or industry, may from time to time by notice in writing, specifying in the case of an owner the property of which he claims to be the owner, require the local authority or committee who for the time being have charge of the register, or of the appropriate portion thereof, to register his or their name and address free of charge, in the case of an owner, in respect of the property specified in the notice and, in the case of an association, in respect of the district of the local authority or the districts of the local authorities represented on the joint committee by whom the resolution was passed.

An authority or committee shall comply with any notice given to them under this subsection, and shall inform the person or association concerned that his or their name and address have been duly registered.

(7) Where by virtue of this Act or any regulation made thereunder a public notice is required to be given of any thing done or proposed to be done, or of any action taken or proposed to be taken, by a local authority, joint committee, or responsible authority, or the Minister, under the resolution, or under or by virtue of any scheme made in pursuance thereof, a copy of the notice shall be served on every person whose name and address appear in the register in respect of any property which will be affected, and on every association whose name and address appear in the register, and, if any subsequent resolution for the preparation or adoption of a scheme is passed by the local authority or joint committee who passed the original resolution, or by any authority represented on that committee and is approved by the Minister notice of the resolution shall be given to every association whose name and address appear in the register:

Provided that—

(*a*) at any time after the expiration of three years from the time when a request for registration or re-registration was last made by any person or association, the authority having charge of the register or of the relevant portion thereof may, by notice in writing, require that person or association to state within a period of one month whether he or they desire that his or their name and address shall be registered afresh, and unless within the said period a request for re-registration is duly made, the said authority may remove the name of that person or association from the register; and

(*b*) the authority may at any time, with the consent of any person or association, remove the name of that person or association from the register.

(8) The provisions of this section—

(*a*) shall not apply in relation to the service of any notice relating to the compulsory acquisition of land under this Act; and

(*b*) shall apply in relation to the service of notices in connection with a resolution to prepare or adopt a supplementary scheme under this Act or a scheme varying an existing scheme to such extent only, and subject to such modifications, if any, as may be prescribed.

Approval, validity, coming into effect, variation and revocation of schemes.

8.—(1) A scheme prepared or adopted by a local authority or joint committee shall require the approval of the Minister, and the Minister may approve any scheme either with or without modifications:

Provided that—

(i) where the resolution passed by the local authority or joint committee in pursuance of section six of this Act was a resolution to prepare a scheme, the draft scheme prepared in pursuance of the resolution shall, before submission to the Minister, be adopted by resolution of the local authority or joint committee at a meeting of which special notice indicating the business to be transacted has been given to each member; and

(ii) before making any modifications in a scheme, the Minister shall inform the local authority or joint committee, as the case may be, of the modifications which he proposes to make, and shall cause a local inquiry to be held into the matter if within twenty-eight days the local authority or joint committee request him so to do.

(2) The provisions of Parts I and II of the First Schedule to this Act shall have effect with respect to the laying of schemes before Parliament, the validity of schemes, and the dates on which schemes are to come into operation.

(3) A scheme may be varied, otherwise than by way of extension of the area to which the scheme applies, or may be revoked, by a subsequent scheme prepared, or adopted, and approved in accordance with this Act and any regulations made thereunder.

(4) The Minister, on an application made in accordance with the provisions of the next succeeding subsection, may, if he thinks that in the special circumstances of the case a scheme ought to be varied or revoked, himself make a scheme varying or revoking that scheme:

Provided that the Minister shall not make any variation in a scheme unless he is satisfied that it will not involve substantial additional expenditure by any responsible authority under the scheme who object to the variation being made.

A scheme made by the Minister under this subsection shall, for the purposes of this Act, be deemed to have been prepared or adopted by such authority or committee as may be specified in the scheme.

(5) An application to the Minister under this section may be made by any authority who are a responsible authority for any purposes of the scheme which it is proposed to vary or revoke, or by any joint committee appointed for the purpose of preparing a scheme in respect of an area comprising land to which the first mentioned scheme applies, or by any other authority or person who appear or appears to the Minister to be concerned.

Supplementary schemes for areas comprised in regional schemes.

9.—(1) In any case where a regional scheme is in operation, any local authority or joint committee may by resolution decide to prepare a scheme with respect to any land to which the regional scheme applies, being land in, or in the neighbourhood of, the district of the local authority or, as the case may be, the districts of any of the constituent authorities, or to adopt, with or without modifications, a scheme proposed by all or any of the owners of any such land.

(2) A scheme prepared or adopted under the preceding subsection (in this Act referred to as a

"supplementary scheme") shall incorporate, with or without modifications, all such provisions of the regional scheme as relate to the area to which the supplementary scheme applies and are not inconsistent with the provisions thereof, and may include such additional provisions as appear to be necessary or desirable.

(3) A resolution to prepare or adopt a supplementary scheme shall not affect the operation of the regional scheme or the powers of any authority thereunder, but as from the date on which the supplementary scheme comes into operation it shall, so far as respects the area to which it applies, have the effect of revoking the regional scheme.

(4) In this section the expression " regional scheme " means a scheme made, whether under this Act or under any Act repealed by this Act, by a joint committee.

Interim Development of Land.

Interim development orders.

10.—(1) The Minister shall make a general order with respect to the interim development of land within the areas to which resolutions to prepare or adopt a scheme apply and may make special orders with respect to the interim development of any such land in any particular area.

For the purposes of this section the expression "interim development" means development between the date on which the resolution takes effect, and the date of the coming into operation of the scheme.

(2) An order made under the preceding subsection (in this Act referred to as "an interim development order") may itself permit the development of land either unconditionally or subject to any condition specified in the order, or may empower any authority so specified to permit the development of land in accordance with the terms of the order.

(3) Where an application for permission to develop land is made to the specified authority in manner provided by the order, the authority may, subject to the terms of the order, grant the application unconditionally or subject to such conditions as they think proper to impose, or may refuse the application, and they shall be deemed to have granted the application unconditionally unless within two months from the receipt thereof, or within such longer period as the applicant

may agree in writing to allow, they give notice to him that they have decided to the contrary, stating their reasons for so doing:

Provided that—

(*a*) an application for permission to erect a new building on the site of an existing building, or on the site of a building which was standing within two years before the date on which a resolution takes effect, if made before or within two years after the destruction or demolition of that previous building, or within twelve months after the date on which the resolution takes effect, whichever period last expires, shall not be refused and conditions shall not be imposed, if the effect of the refusal or imposition of conditions would be to render it impossible for the applicant to erect a building having a cubic content above the level of the ground as great as that of the previous building or, in the case of a previous building used for business or industry, to erect a building having as great a cubic content above the level of the ground and as great a superficial area on the ground floor as those of the previous building, except where either—

(i) the new building would not conform with a provision proposed to be inserted in the scheme for fixing, in relation to any street or proposed street, a line beyond which no building in that street or proposed street may project; or

(ii) it is proposed to include the site of the new building or part thereof in an area to be reserved by the scheme for a purpose the carrying out of which in the future would necessitate the removal or the alteration of the new building;

(*b*) an application for permission to use any building which is erected in substitution for an existing building, or other such previous building as aforesaid, and is commenced within two years after the destruction or demolition of the previous building, for any purpose of the same or similar character as that for which the previous building was last used before its destruction or demolition shall not be refused unless such a use would be of a noxious or otherwise offensive character.

(4) In any case where an application under the last preceding subsection is refused or is granted subject to conditions, the authority may, if they think fit, make a contribution, the payment of which shall not be unreasonably delayed, towards any damage or expense which the applicant shows to their satisfaction that he is likely to suffer by reason of their decision.

(5) An applicant who is aggrieved by the refusal of the authority to consent to his application, or by any conditions imposed by them, may within twenty-eight days from the date on which he received notice of the decision of the authority, or such longer period as the Minister may allow, appeal to the Minister, and the Minister, after taking into consideration any offer by the authority to make a contribution under the last preceding subsection, may dismiss or allow the appeal, either unconditionally or subject to such conditions as he thinks proper to impose, but the Minister, before deciding any such appeal, shall, if either the appellant or the authority so desire, afford them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

The decision of the Minister on an appeal under this subsection shall be final and shall have effect as if it were a decision of the authority.

(6) Where an appeal to the Minister under the last preceding subsection is dismissed on the ground only that the land to which the appeal relates, though otherwise suitable for immediate development, ought to be reserved by the scheme for a public open space, and the Minister is satisfied that, if the appeal had been allowed, the development for which permission was sought would have taken place within a reasonable period, the appellant, if he is entitled to dispose of the fee simple of the land with vacant possession, may, by notice in writing given to the authority within six months from the date of the Minister's decision, require the authority to purchase the land at a price to be agreed, or in default

of agreement to be determined in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the authority shall purchase the land accordingly.

9 & 10 Geo. 5. c. 57.

(7) Where expenditure is necessarily incurred on buildings or works in order to comply with a condition confirmed or imposed by the Minister on an appeal to him under this section, and the condition was confirmed or imposed in anticipation of the reservation of land for a public purpose or the execution of works under the scheme, then, if the scheme as proposed to be approved by the Minister does not contain a provision for such reservation or execution of works, and the Minister, on representations made to him, is satisfied that the expenditure which has been so incurred is wholly or partly abortive on that account, the scheme shall provide that the person by whom the expenditure was incurred shall be entitled, if he makes a claim in that behalf within twelve months from the date on which the scheme comes into operation, to recover as compensation from the responsible authority so much of that expenditure as is abortive.

(8) An interim development order may empower any authority specified in the order, with the consent of the Minister, to suspend the operation of any enactments contained in local Acts and of any orders, byelaws or regulations, under whatever authority made, where it is expedient in order to promote the development permitted by or under the order.

(9) The foregoing provisions of this section shall not apply in any case where the scheme for the preparation or adoption of which a resolution has taken effect is a supplementary scheme or a scheme varying an existing scheme.

Contents and Effect of Schemes.

Contents of schemes, and authorities responsible for enforcing them.

11.—(1) Every scheme shall define the area to which it applies, and specify, in accordance with the provisions of the next succeeding subsection, the authority or authorities who are to be responsible for enforcing and carrying into effect the provisions of the scheme, and—

(*a*) shall contain such provisions as are necessary or expedient for prohibiting or regulating the development of land in the area to which the scheme applies and generally for carrying out any of the objects for which the scheme is made, and in particular for dealing with any of the matters mentioned in the Second Schedule to this Act; and

(*b*) where it is expedient in order to promote proper planning or development, may provide for suspending the operation of any provision, whether contained in a statute or in an order, byelaw, or regulation, under whatever authority made, in so far as that provision is similar to, or inconsistent with, any of the provisions of the scheme.

(2) A scheme may—

(*a*) specify as the responsible authority for all purposes of the scheme any one of the following authorities, that is to say, the local authority within whose district any land to which the scheme applies or any neighbouring land is situate, or a county council, or a joint body specially constituted by the scheme; or

(*b*) specify any two or more such authorities as aforesaid as the responsible authorities for different purposes of the scheme or as respects different parts of the area to which the scheme applies.

(3) Where a scheme provides for a joint body being the responsible authority for any of the purposes of the scheme, it shall contain all such provisions as appear to be necessary or desirable in relation to the constitution and incorporation of the joint body and for conferring and imposing powers and duties on them, and making provision with respect to the purposes for which and the manner in which they may borrow money and the manner in which their expenses are to be defrayed, and may authorise them to co-opt additional members, so, however, that at least three-fourths of the members of the joint body shall be persons who are members of a constituent authority of the joint body.

Provisions in schemes with respect to buildings and building operations.

12.—(1) The provisions to be inserted in a scheme with respect to buildings and building operations may include provisions—

(*a*) prescribing the space about buildings;

(*b*) limiting the number of buildings;

(*c*) regulating, or enabling the responsible authority to regulate, the size, height, design and external appearance of buildings;

(*d*) imposing restrictions upon the manner in which buildings may be used, including, in the case of dwelling-houses, the letting thereof in separate tenements; and

(*e*) prohibiting building operations, or regulating such operations in respect of matters other than those specified in this subsection:

Provided that, where a scheme contains a provision enabling the responsible authority to regulate the design or external appearance of buildings, the scheme must also provide that any person aggrieved by any decision of the responsible authority under the provision aforesaid may appeal against the decision either to a court of summary jurisdiction or to a tribunal to be constituted for the purpose under the scheme, as may be thereby provided, and the grounds on which such an appeal may be brought shall include the ground that compliance with the decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(2) The provisions to be inserted as aforesaid may—

(*a*) differ as respects different parts of the area to which the scheme applies; and

(*b*) be made applicable, either with or without modifications, to existing buildings as well as to buildings which are not existing buildings; and

(*c*) be imposed as permanent provisions, or as provisions operating only pending the coming into operation of an order under the provisions hereafter in this Act contained with respect to general development orders.

(3) No provision contained in a scheme with respect to buildings shall apply in relation to any building or the erection of any building which is, or is to be, occupied together with land which is used mainly or exclusively for agriculture, whether as arable, meadow, pasture ground or orchard, or for the purposes of a plantation or a

wood, or for the growth of saleable underwood, and is, or is to be used for, any of those purposes, unless the site of the building is reserved by the scheme for any purpose, the carrying out of which in the future would necessitate the removal or the alteration of the building.

Power to enforce and carry into effect schemes.

13.—(1) Subject to the provisions of this section, the responsible authority may at any time—

(*a*) remove, pull down or alter, so as to bring into conformity with the provisions of the scheme, any existing building or other existing work which does not conform to those provisions, or the demolition or alteration of which is necessary for carrying the scheme into effect; or

(*b*) remove, pull down or alter, so as to bring into conformity with the provisions of the scheme, any building or other work, not being an existing building or an existing work, which does not conform to those provisions, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(*c*) where any building or land is being used in such a manner as to contravene any provision of the scheme, prohibit it from being so used; or

(*d*) where any land has since the material date been put to any use which contravenes any provision of the scheme and is not an existing use, reinstate the land; or

(*e*) execute any work which it is the duty of any person to execute under the scheme in any case where delay in the execution of the work has occurred and the efficient operation of the scheme has been or will be thereby prejudiced.

(2) Before taking any action under this section the responsible authority shall serve a notice in the prescribed manner on the owner and on the occupier of the building or land in respect of which the action is proposed to be taken and on any other person who, in their opinion, may be affected thereby, specifying the nature of, and

the grounds upon which they propose to take, that action.

(3) Where a building or work which the responsible authority propose to remove, pull down or alter under this section is an existing building or an existing work, or where the use of a building or land which they propose to prohibit is an existing use, the authority shall serve the notices for which provision is made by the last preceding subsection not less than six months before they take any action and, in any other case, they shall serve those notices not less than twenty-eight days before they take any action.

(4) If any person served with such a notice as aforesaid desires to dispute any allegation contained therein, he may, by written notice served on the clerk of the court and the authority within twenty-eight days from the date of the service of the original notice on him, appeal to a court of summary jurisdiction for the petty sessional division or place within which the property to which the notice relates is situated, and no action shall be taken by the authority under subsection (1) of this section pending the final determination or withdrawal of the appeal.

(5) If on any such appeal the court of summary jurisdiction are satisfied that the responsible authority are entitled to take the proposed action on the grounds specified in the notice, they shall dismiss the appeal and shall by their order empower the responsible authority, after the expiration of the period aforesaid of six months or twenty-eight days, as the case may be, to remove, pull down, or alter the building or work, or reinstate the land or execute the required work, or, as the case may be, shall by their order prohibit the building or land from being used in contravention of the scheme after the period aforesaid, but, if they are not so satisfied, they shall allow the appeal:

Provided that the court by whom an order is made under this subsection may, if they think fit, direct that the order shall, instead of taking effect after the expiration of the period aforesaid of six months or twenty-eight days, take effect at such later date as they think fit, being a date not more than six months or twenty-eight days, as the case may be, from the date of the order.

(6) Except where the responsible authority remove, pull down or alter a building or work which is an existing building or an existing work, any expenses reasonably incurred by the responsible authority under subsection (1) of this section may be recovered summarily as a civil debt from the person in default:

Provided that, on any proceedings for the recovery of any such expenses, the defendant shall not be entitled to raise by way of defence any matter which might have been raised by him on an appeal under subsection (4) of this section.

(7) A person who uses any building or land in a manner prohibited under this section shall be liable on summary conviction to a fine not exceeding fifty pounds and to a further penalty not exceeding twenty pounds in respect of each day on which he so uses the building or land after conviction.

Powers as to matters not finally dealt with by Scheme.

Supplementary orders.

14.—(1) There may be inserted in any scheme a provision empowering any responsible authority, or any local authority or county council concerned who are not a responsible authority, to make orders (in this Act referred to as " supplementary orders "), or to adopt, with or without modifications, supplementary orders proposed by owners of land, for supplementing the provisions of the scheme, as respects any part of the area to which it applies, by adding to it provisions with respect to any matters for which provision may be made by a scheme and for varying it in so far as may be necessary or expedient.

(2) The provisions of this Act with respect to the approval of schemes by the Minister, the laying of schemes before Parliament, and the validity and date of operation of schemes shall apply in relation to a supplementary order, as if it were a scheme.

(3) A supplementary order may be revoked or varied by a subsequent supplementary order made by the same authority, but so long, and in so far, as it continues to be operative, shall be deemed to form part of the scheme to which it relates.

General development orders.

15.—(1) The responsible authority may by an order (in this Act referred to as a "general development order") permit building operations to proceed, subject to such conditions as may be specified in the order, on any land as respects which the provisions of a scheme prohibit or restrict building operations pending the coming into operation of a general development order.

A general development order may be made with respect to the whole, or some part only, of the land which is subject to the prohibitions or restrictions and orders may be made from time to time so long as any part of that land remains so subject.

A general development order shall require the approval of the Minister, and the Minister may approve any such order with or without modification.

(2) Without prejudice to the power of the responsible authority to make a general development order at any time, it shall be the duty of every responsible authority within a period of three months from the expiration of every third year after the coming into operation of the scheme to take into consideration the desirability of making such an order with respect to all land which remains subject to the prohibitions or restrictions.

(3) Any person aggrieved by the failure of the responsible authority to make, as respects any land in which he is interested, a general development order within the aforesaid period of three months may appeal to the Minister within two months after the expiration of such period of three months and the Minister on any such appeal may, if he thinks fit, make a general development order, and an order so made by him shall have effect as if it were an order made by the responsible authority and approved by the Minister.

(4) A general development order may be revoked or varied by a subsequent general development order made by the same authority, but so long and in so far as it continues to be operative shall be deemed to form part of the scheme to which it relates.

Power to permit building

16.—(1) Where the provisions of a scheme prohibit or restrict building operations on any land pending the coming into operation of a general development operations pending the coming into operation of a general development order.

order, a person who, before such an order comes into operation with respect to that land, desires to commence thereon any building operations which would contravene any such temporary prohibition or restriction may, in accordance with such directions, if any, as may be contained in the scheme, apply to the responsible authority for their consent to the carrying out of the operations specified in the application.

(2) The responsible authority shall, in deciding any such application, have regard to any injury likely to be caused to the applicant by the refusal of the application, as well as to any public advantage likely to result from the maintenance of the prohibition or restriction, pending the coming into operation of a general development order, and may, if they are satisfied that the proposed operations will not contravene any permanent provisions of the scheme, grant the application unconditionally, or subject to such conditions as they think proper to impose:

Provided that, where the authority have power under this subsection to grant an application, they shall not refuse that application unless they are satisfied that other land suitable for such building operations as are specified in the application is available on reasonable terms and either—

(*a*) that the operations would involve danger or injury to health by reason of the lack of roads, sewers, water supply or any public services and that the provision of the necessary services would be premature, or likely to involve excessive expenditure of public money; or

(*b*) that the operations would be likely seriously to injure the amenity of the locality.

(3) Any person aggrieved by the refusal of any such application as aforesaid, or by any conditions imposed by the responsible authority, may within twenty-eight days from the date on which he received notice of the decision of the authority or such longer period as the Minister may allow, appeal to the Minister, and the Minister may dismiss or allow the appeal, either unconditionally, or subject to such conditions as he thinks proper to impose.

The decision of the Minister on an appeal under this subsection shall be final and shall have effect as if it were a decision of the authority.

Orders for Preservation of certain Buildings.

Power to make orders for preservation of certain buildings.

17.—(1) Where a resolution to prepare or adopt a scheme has taken effect, the council of any county borough or county district which, or any part of which, is situate within the area to which the resolution applies or, as respects a building in such a county district, the council of the county comprising that district, may at any time make an order with respect to any building of special architectural or historic interest within that area and within the district of that council directing that without their consent the building shall not be demolished, and may at any time vary or revoke an order so made by them.

(2) Subject as hereinafter provided no such order, and no variation or revocation of such an order, shall take effect unless and until the order, variation, or revocation, as the case may be, has been approved, with or without modifications, by the Minister, and the Minister before approving it shall consider any representations made to him by the owner of the building, or by any other person, and shall consult with the Commissioners of Works:

Provided that, if it appears to the Minister, after consultation with the Commissioners of Works, that the order should take effect immediately, he may make a declaration to that effect, and in that case the order shall come into operation so soon as a copy of the order and of the declaration is served on the owner and occupier of the building, but shall cease to have effect at the expiration of two months from the date of the declaration unless it has been previously approved by the Minister under this subsection.

(3) Where the owner of a building with respect to which an order made under this section is in force has applied to the council to vary or revoke the order, or to consent to its demolition, he may, if he is aggrieved by their refusal to vary or revoke the order, or to grant their consent, or by any terms imposed by them as a condition of their consent, appeal to the Minister within

twenty-eight days after the council have notified to him their decision.

On any appeal under this subsection, the decision of the Minister shall be final, but before giving his decision he shall consult with the Commissioners of Works.

(4) Where an order has been made under this section, the coming into operation of a scheme for the area within which the building is situated shall not, unless the scheme so provides, operate as a revocation of the order.

(5) Nothing in this section shall—

- (i) empower a council to make an order—
  - (*a*) with respect to any ecclesiastical building which is for the time being used for ecclesiastical purposes; or
  - (*b*) with respect to any building to which a scheme or order made under any enactment for the time being in force with respect to ancient monuments applies; or
  - (*c*) with respect to any building for the time being included in a list of monuments published by the Commissioners of Works, under any such enactment as aforesaid:
- (ii) affect any powers of the Commissioners of Works under any such enactment as aforesaid.

Compensation and Betterment.

Provisions as to compensation for injurious affection, &c.

18.—(1) Subject to the provisions of this Act, any person—

- (*a*) whose property is injuriously affected by the coming into operation of any provision contained in a scheme, or by the execution of any work under a scheme, or by the coming into operation of an order under section seventeen of this Act, being a provision, work or order which infringes or curtails his legal rights in respect of that property; or
- (*b*) who suffers damage by reason of any action taken by a responsible authority under section thirteen of this Act; or
- (*c*) who for the purpose of complying with any provision contained in a scheme, or in making

or resisting a claim under the provisions of this Act relating to compensation and betterment, has incurred expenditure which is rendered abortive by a subsequent variation or revocation of the scheme,

shall, if he makes a claim within the time limited for the purpose by this Act, be entitled to recover as compensation from the responsible authority, or, if his claim arises out of the coming into operation of an order under section seventeen of this Act, from the council by whom the order was made, the amount by which his property is decreased in value, and, in the case of property on which he has carried on a trade or business or profession, the amount of any resulting injury to that trade or business or profession, or the amount of his damage, or, so far as it was reasonably incurred, the amount of the abortive expenditure, as the case may be.

(2) In awarding any compensation payable in respect of property injuriously affected by the coming into operation of any provision contained in a scheme, account shall be taken of any additional injurious affection of the property by reason that since the commencement of this Act the Minister has refused, on an appeal made to him under an interim development order, to grant an application for permission to develop the property, or that the Minister has imposed any conditions on the grant of such an application made since that date.

Power of Minister to exclude compensation in certain classes of cases.

19.—(1) Subject to the provisions of this section, a scheme may provide, either generally or as respects all property except such as may be specified for the purpose in the scheme, that no compensation shall be payable under paragraph (*a*) of subsection (1) of the last preceding section in respect of the injurious affection of property by the coming into operation of any provision of the scheme which—

(*a*) prescribes the space about buildings; or

(*b*) limits the number of buildings; or

(*c*) regulates, or empowers the responsible authority to regulate, the size, height, design or external appearance of buildings; or (*d*) prohibits or restricts building operations only pending the coming into operation of a general development order; or

(*e*) prohibits or restricts building operations permanently on the ground that, by reason of the situation or nature of the land, the erection of buildings thereon would be likely to involve danger or injury to health, or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services; or

(*f*) prohibits (otherwise than by way of prohibition of building operations) the use of land for a purpose likely to involve danger or injury to health, or serious detriment to the neighbourhood, or restricts (otherwise than by way of restriction of building operations) the use of land so far as may be necessary for preventing such danger, injury, or detriment; or

(*g*) restricts the manner in which buildings may be used; or

(*h*) in the interests of safety regulates or empowers the responsible authority to regulate the height and position of proposed walls, fences or hedges near the corners or bends of roads, other than highways maintainable at the material date by the Minister of Transport, a county council, or other highway authority; or

(*i*) limits the number, or prescribes the sites, of new roads entering a classified road, or a road, or the site of a proposed road, which is declared by the Minister of Transport to be intended to be a classified road; or

(*k*) in the case of land which at no time within the period of five years immediately preceding the material date was or formed part of, the site of a building, fixes in relation to any street or proposed street a line beyond which no building in that street or proposed street may project; or

(*l*) in the case of the erection of any building intended to be used for purposes of business or industry, requires the provision of accommodation for loading, unloading or fuelling vehicles with a view to preventing obstruction of traffic on any highway.

(2) The Minister shall not approve the insertion in a scheme of a provision excluding compensation under the last preceding subsection or himself insert in a scheme such a provision—

(i) unless he is satisfied that, having regard to the objects of the scheme, the provision in respect of which compensation is to be excluded is proper and reasonable and expedient having regard to the local circumstances;

(ii) if the provision in respect of which compensation is to be excluded is such a provision as is mentioned in paragraph (*a*), (*b*), (*c*), (*d*), or (*g*) of the said subsection, unless the scheme contains also provisions satisfactory to him for securing that—

(*a*) existing buildings may be maintained and their existing use continued; and

(*b*) reasonable alterations and, in proper cases, extensions of existing buildings may be made; and

(*c*) where an existing building or a building which was standing within two years before the material date is destroyed or demolished, a new building having at least an equal cubic content above the level of the ground and, in addition, in the case of premises used for business or industry, at least an equal superficial area on the ground floor, may be erected on the same site, if commenced within two years after the destruction or demolition of the previous building, or within such longer period as the responsible authority may permit; and

(*d*) a new building so substituted as aforesaid may be used for any purpose of the same or a similar character as that for which the previous building was last used before its destruction or demolition, notwithstanding that its use for that purpose would be contrary to the provisions of the scheme, unless such a use is declared in the scheme to be both contrary to the provisions thereof and also of a noxious or otherwise offensive character;

(iii) if the provision in respect of which compensation is to be excluded is such a provision as is mentioned in paragraph (*f*) of the said subsection, in so far as that provision—

(*a*) prohibits or restricts the winning of minerals by underground working;

(*b*) prohibits or restricts as respects any land the winning of minerals by surface working unless the land is reserved by the scheme, and has been substantially developed, for residential purposes; or

(*c*) prohibits or restricts as respects any land so reserved the winning by surface working of minerals, if the Minister is satisfied, upon representations being made to him, that the minerals, or the right to win the minerals, had before the material date been acquired by some person for the purpose of winning them, or had before that date devolved upon some person desirous of winning them;

(iv) if the provision in respect of which compensation is to be excluded is such a provision as is mentioned in paragraph (*i*) of the said subsection, unless he is satisfied, if representations are made to him in any particular case, and the case appears to him to be a proper one, that reasonable means of access from neighbouring land to a highway will be provided;

(v) if the provision in respect of which compensation is to be excluded is such a provision as is mentioned in paragraph (*k*) of the said subsection, and, so far as concerns any particular land, unless he is satisfied, if representations are made to him as respects that land, that the area of the land of the owner fronting the street or proposed street will not be diminished to such an extent by the fixing of the building line as to render it less suitable for the erection of buildings in conformity with the provisions of the scheme.

(3) Notwithstanding the insertion in a scheme of such provisions satisfactory to the Minister as are

mentioned in paragraph (ii) of the last foregoing subsection, if and in so far as any alteration or extension of an existing building, or the substitution of a new building for a previous building, being an alteration, extension, or substitution which is authorised by, or might be permitted under, the said provisions, would not be in conformity with, or would contravene, any provision of the scheme, the responsible authority may prohibit that alteration, extension or substitution, but in that case the person whose property is injuriously affected by the prohibition shall, if he makes a claim within twelve months after receiving notice of the prohibition, be entitled, notwithstanding anything in subsection (1) of this section, to recover compensation in respect of that injurious affection from the responsible authority in accordance with the provisions of this Act.

(4) Notwithstanding the insertion in a scheme of such provisions satisfactory to the Minister as are mentioned in paragraph (ii) of subsection (2) of this section, if and in so far as the continuance of any existing building or of any existing use of an existing altered, extended or substituted building is not in conformity with, or contravenes, any provisions of the scheme, nothing in that subsection shall be construed as precluding the responsible authority from exercising at any future time their powers under section thirteen of this Act in respect of that use, subject, however, to payment of compensation in accordance with the provisions of paragraph (*b*) of subsection (1) of section eighteen of this Act.

(5) In considering whether he ought to approve the insertion in a scheme of a provision excluding compensation, or ought himself to insert such a provision, the Minister shall have regard to—

(*a*) the nature and situation and existing development of the land affected by the provision in respect of which compensation is excluded and of neighbouring land not so affected; and

(*b*) the interests of any person who would be affected by the provision in respect of which compensation is excluded.

Exclusion or limitation of compensation in certain other cases.

20.—(1) No compensation shall be payable under this Act in respect of any property on the ground that it has been injuriously affected by any provision contained in a scheme, if and in so far as the same provision or a provision substantially to the same effect was, at the date when the scheme came into operation, already in force by virtue of some Act, not being either this Act or an Act repealed by this Act.

(2) A person shall not be entitled to recover compensation under this Act in respect of any action taken by a responsible authority under section thirteen of this Act except in a case where a building or work which the authority have removed, pulled down or altered, was an existing building or an existing work, or a use of a building or land which they have prohibited was an existing use.

(3) Where any provision contained in a scheme could immediately before the date on which the scheme came into operation have been validly included in a scheme, order, regulation or byelaw by virtue of any other Act in force at that date, then—

(*a*) if no compensation would have been payable in respect of injury caused by the coming into operation of that provision in that other scheme, or that order, regulation or byelaw, no compensation shall be payable in respect of that provision of the scheme under this Act; and

(*b*) if compensation would have been so payable, the compensation payable in respect of that provision of the scheme under this Act shall not be greater than the compensation which would have been so payable.

(4) Where any provision of a scheme, whether made under this Act or under any Act repealed by this Act, is revoked by a subsequent scheme, no compensation shall be payable in respect of any property on the ground that it has been injuriously affected by any provision contained in the subsequent scheme if and in so far as that later provision is the same, or substantially the same, as the earlier provision so revoked; but if at the

date when the revocation of that earlier provision becomes operative—

(*a*) there is still outstanding any claim for compensation duly made thereunder; or

(*b*) the time originally limited for making such a claim has not expired,

any such outstanding claim and any such claim made within the time so limited shall be entertained and determined, and may be enforced, in the same manner in all respects as if all the provisions of the earlier scheme had continued in operation.

Recovery of betterment from owners of property increased in value.

21.—(1) Where by the coming into operation of any provision contained in a scheme, or by the execution by a responsible authority of any work under a scheme, any property is increased in value, the responsible authority, if within twelve months after the date on which the provision came into operation or such longer period as may be specified in the scheme, or within twelve months after the completion of the work, as the case may be, they make a claim in that behalf, may, subject to the provisions of this Act, recover from the person whose property is so increased in value an amount not exceeding seventy-five per cent. of the amount of that increase:

Provided that, except where the person against whom the claim is made has claimed from the responsible authority, by way of compensation under this Act in connection with the scheme and in respect of any injurious affection other than injurious affection immediately suffered, an amount not less than the amount claimed by the responsible authority under this section and the claim for compensation has been allowed in an amount not less than the amount claimed by the responsible authority as aforesaid, or is outstanding, that person may at any time within twenty-eight days after service on him of the claim give notice in writing to the responsible authority requiring them to defer the claim, and in that event the claim shall be withdrawn.

(2) Where a notice has been given in respect of any property under the last preceding subsection, the responsible authority shall be entitled to make a fresh claim against the person who gave the notice in respect of any increase in the value of the property due to the

coming into operation of any provision contained in the scheme or by the execution by the authority of any work under the scheme—

(*a*) on the taking effect at any time within fourteen years from the date of service of the said notice of a disposition of the property;

(*b*) on the taking place at any time within the said period of fourteen years of a change of use of the property;

(*c*) in the case of property which was at the date of the original claim used for the purposes of any business or industry, and in respect of which there has not within the period of five years next after the date of the service of the notice been made any claim under paragraph (*a*) or (*b*) of this subsection, at any time within a period of twelve months after the expiration of the said period of five years:

Provided that no claim shall be made—

(i) under paragraph (*b*) of this subsection if the new use of the property is a use as arable, meadow or pasture ground, or as market gardens, nursery grounds, orchards or allotments, or for a plantation or a wood, or for the growth of saleable underwood, or as allotment gardens within the meaning of the Allotments Act, 1922, or (being land which exceeds one quarter of an acre) for the purpose of poultry farming; and

12 & 13 Geo. 5. c. 51.

(ii) under paragraphs (*b*) or (*c*) of this subsection in the case of property belonging to a statutory undertaker.

(3) If a claim is made on a disposition of property or, in the case of property used for the purposes of any business or industry, on the expiration of the said period of five years, the responsible authority may recover a sum not exceeding seventy-five per cent. of the amount by which the property has been increased in value by the coming into operation of the provision or by the execution of the work in respect of which the original claim was made, and the date of the fresh claim shall be the date by reference to which the increase in value shall be determined, and thereafter no further claim

shall be made under this section in respect of that property.

(4) If a claim is made on a change of use of property taking place, the responsible authority may recover a sum not exceeding seventy-five per cent. of the amount by which the property has for the purposes of its new use been increased in value by the coming into operation of the provision or by the execution of the work in respect of which the original claim was made and, on any subsequent change of use taking place or upon any disposition of the property taking effect within the period of fourteen years a fresh claim may be made.

(5) In assessing the amount of any sum payable under this section in respect of any property, account shall be taken—

(*a*) of any principal sum paid or payable to the responsible authority in respect of the property under a claim previously made under this section; and

(*b*) of any gift of property whether real or personal, or any concession made or any works executed under arrangement with the responsible authority, by any person against whom the claim under this section in respect of the property is made or his predecessors in title, with a view to facilitating the making or carrying into effect of the scheme.

(6) Any sum recoverable under this section may be paid either immediately or by such instalments spread over a period not exceeding thirty years as may be agreed or determined under this Act, and where payment is made by instalments interest at such rate as may from time to time be fixed by the Treasury shall be chargeable on the aggregate amount of the instalments for the time being outstanding, but notwithstanding any such agreement or determination the person from whom such instalments are due may, on giving not less than six months' notice in writing to the responsible authority of his intention so to do, pay to them the whole of any outstanding instalments, together with any interest accruing due thereon to the date of payment.

(7) A person who gives a notice under subsection (1) of this section shall, within one month after the date on

which any such disposition as is mentioned in paragraph (*a*) of subsection (2) of this section takes effect, or any such change of use as is mentioned in paragraph (*b*) of the said subsection (2) takes place, give written notice thereof to the responsible authority and shall, within one month after receiving from the responsible authority a demand in that behalf (which demand shall be made not later than the expiration of two months after the giving of the notice), furnish to the authority such particulars as they may reasonably require for the purposes of this section:

Provided that, if at any time the responsible authority make a claim which under the provisions of subsection (3) of this section is final, they shall notify the person who gave the notice under subsection (1) of this section that no further notice of disposition or change of use need be sent.

(8) A claim made on a disposition of property taking effect, or on a change of use taking place, shall be made not later than the expiration of twelve months from the date on which notice is given to the responsible authority under subsection (7) of this section of the disposition or change of use, or, where particulars are demanded by the authority, the date on which the particulars are furnished to the authority:

Provided that, where a disposition is by way of lease or tenancy agreement for a term of less than seven years, the claim shall be made not earlier than the expiration of the seventh year from the date on which the said term commenced.

(9) The provisions of this section shall apply to a disposition of, or a change of use of, a part of any property in respect of which notice has been given under subsection (1) of this section as they apply in relation to a disposition of or a change of use of the whole of that property.

(10) Where any provision of a scheme, whether made under this Act or under any Act repealed by this Act, is revoked by a subsequent scheme, no property shall be deemed to be increased in value by any provision contained in the subsequent scheme if and in so far as that provision is the same, or substantially the same, as a provision contained in the scheme so revoked:

Provided that, if at the date when the revocation of the said scheme becomes operative there is still outstanding any claim in respect of an increase in the value of any property duly made thereunder, or the time originally limited for making such a claim has not expired, any such outstanding claim, and any such claim made within the time so limited, shall be entertained and determined and may be enforced, in the like manner in all respects as if all the provisions of the earlier scheme had continued in operation.

(11) In this section the expression "disposition" means a disposition by way of sale (including a sale in consideration of a rentcharge or other periodical payment) or by way of lease or tenancy agreement for a period of not less than three years, and references to the person who gives a notice under subsection (1) of this section shall, where a devolution of the property to which the notice relates has occurred since the notice was given, be construed as references to the person on whom the property to which the notice relates last devolved before the date on which a disposition takes effect or a change of use takes place.

(12) For the purposes of this section a change of use of property shall not be deemed to have occurred if the character of the new use is similar to that of the previous use.

Making of claims for compensation or betterment.

22.—(1) A claim under this Act for compensation or in respect of an increase in the value of any property shall be made by serving upon the authority, council or person from whom the amount alleged to be payable is claimed, a notice in writing stating the grounds of the claim and the amount claimed.

(2) Subject to the provisions of this Act, a claim under this Act for compensation may be made within twelve months after the date on which the provision giving rise to the claim came into operation or within such longer period as may be specified in the scheme, or, if the claim is a claim for compensation in respect of action taken by a responsible authority under section thirteen of this Act, or in respect of the coming into operation of an order under section seventeen of this Act, or in respect of expenditure rendered abortive by the variation or revocation of a

scheme, within twelve months after the date on which the action was completed, or the order came into operation, or the variation or revocation of the scheme became operative.

(3) Where it is alleged that land which, at or within two years before the material date, formed the site of a building has been injuriously affected by a provision fixing, in relation to any street or proposed street, a line beyond which no building in that street or proposed street may project, then, subject to any agreement to the contrary, the period within which a claim for compensation may be made in respect of that land shall be a period of twelve months after the date on which a new building is erected on the site in conformity with the line so fixed:

Provided that, if in the case of any such land a claimant alleges in his claim, and proves to the satisfaction of the arbitrator, that it is not reasonably practicable to erect any new building on that land in conformity with the line so fixed, and, where the building is standing at the date on which the scheme comes into operation, has before commencing to demolish the building given notice to the responsible authority in accordance with the provisions of the next succeeding subsection, a claim made by him at any time within a period of twelve months after the date on which the building is demolished or the date on which the scheme comes into operation, whichever last occurs, shall be deemed to be validly made and shall be entertained by the arbitrator.

(4) A person who intends to claim compensation in respect of any such land as is mentioned in the proviso to the last preceding subsection shall, if the building is standing at the date on which the scheme comes into operation, not less than three months before he commences to demolish the building, give notice in writing of his intention to the responsible authority, and that authority may, at any time before the expiration of two months from the receipt by them of the notice, require him to sell to them the site and the buildings thereon, and thereupon the provisions of this Act with respect to the compulsory acquisition of land by a responsible authority shall apply in relation to that site and any buildings thereon as they apply in relation

to land required by such an authority for the purposes of a scheme.

(5) Where it is alleged that property has been injuriously affected by the execution of any work, the period within which a claim in respect of that injurious affection may be made shall be a period of twelve months after the completion of the work.

Determination of claims and recovery of amounts due.

23.—(1) Any question arising under this Act as to—

(i) the right of a claimant to recover compensation; or

(ii) the right of an authority to recover any amount in respect of an increase in the value of any property; or

(iii) the amount and manner of payment, whether immediately or by instalments spread over a period not exceeding thirty years, of any such recoverable compensation or amount as aforesaid,

shall, unless the authority and all persons concerned otherwise agree, be referred to and determined by an official arbitrator to be appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, who shall have the like powers with respect to procedure (including the hearing of claims and objections together), costs, and the statement of special cases as he has under that Act.

(2) The arbitrator or other person charged with the duty of determining any such question as aforesaid—

(i) shall have regard to any undertaking which either the local authority or joint committee by whom the scheme was prepared, or the responsible authority, or a county council, or the person against whom the claim is made, may have given; and

(ii) if the question arises out of the coming into operation of a supplementary scheme or a supplementary order, shall take into account any amount which the responsible authority have paid or are liable to pay, or have recovered or are entitled to recover, in respect of that property by reason of the coming into operation of the original scheme, or any other scheme or order supplemental thereto; and

(iii) if any contribution has been made by an authority under the provisions of this Act relating to interim development orders, shall take into account that contribution.

(3) Any amount due as compensation from a responsible authority and any amount due to an authority from a person whose property is increased in value may be recovered summarily as a civil debt.

Power to withdraw or modify provisions of scheme after award of compensation.

24.—(1) The responsible authority may, at any time within one month after the date of an award of compensation under this Act in respect of the injurious affection of any property, give notice to the claimant of their intention to withdraw or modify all or any of the provisions of the scheme which gave rise to his claim for compensation.

(2) Where such a notice has been given, the responsible authority shall within three months from the date of the notice submit for the approval of the Minister a varying scheme carrying into effect such withdrawal or modification as aforesaid, and upon the varying scheme, as approved by the Minister with or without modifications, coming into operation, and upon payment by the authority of the claimant's costs of and in connection with the arbitration, the award of the arbitrator shall be discharged, without prejudice, however, to the right of the claimant to make a further claim for compensation under paragraph (*c*) of subsection (1) of section eighteen of this Act or in respect of the scheme as varied.

(3) No award of compensation under this Act in respect of the injurious affection of any property shall be enforceable before the expiration of one month from the date thereof, or if a notice has been given by the authority under subsection (1) of this section, until after the expiration of three months from the date of the notice, or, if within that period a varying scheme is submitted to the Minister, until that scheme has either come into operation, or been disapproved by the Minister, or quashed by a court.

Purchase of Land.

Acquisition of land to which scheme applies.

25.—(1) The responsible authority may purchase by agreement any land to which a scheme, whether made under this Act or under any Act repealed by this Act, applies, which they require for the purposes of the scheme, as if those purposes were purposes of the Public Health Acts, 1875 to 1926, and, where the responsible authority are not a local authority for the purposes of those Acts, as if they were such an authority, and in particular, but without prejudice to the generality of the foregoing words, they may purchase any such land—

(*a*) which they require for carrying out the improvement or controlling the development of frontages to, or of lands abutting on or adjacent to, any highway which is repairable by the inhabitants at large, or any proposed highway which is to be constructed wholly or partly at the public expense; or

(*b*) which they require for securing the satisfactory development of any land in accordance with the provisions of the scheme in any case where, by reason of the land being held in plots which are of inconvenient size or shape, or of which the arrangement or alignment is inconvenient, or by reason of the multiplicity of interests in the land, or by reason of the fact that the land is being used in a manner or for purposes inconsistent with the provisions of the scheme, it does not appear to be reasonably practicable to secure such development otherwise than by purchase of the land; or

(*c*) which forms the site of a highway which has been stopped up under any provision contained in the scheme; or

(*d*) which they require for the purpose of providing accommodation for a person whose premises have been purchased by them for the purposes of the scheme.

(2) Where the responsible authority are unable to purchase by agreement any land which they are authorised by the foregoing provisions of this section to purchase,

they may, subject as hereinafter provided, be authorised to purchase that land compulsorily by means of an order (in this Act referred to as a "compulsory purchase order") made and submitted to the Minister and confirmed by him in accordance with the provisions of Part I of the Third Schedule to this Act:

Provided that they shall not be authorised to purchase any land compulsorily for the purpose of sub-paragraph (*d*) of the foregoing subsection.

(3) The provisions of Part III of the First Schedule to this Act shall have effect with respect to the validity of compulsory purchase orders made under this Act and the dates on which they are to come into operation.

(4) Where land within the district of a local authority is comprised in a scheme, whether made under this Act or under any Act repealed by this Act, and the local authority are not the responsible authority, the provisions of this section with respect to the purchase of land, whether by agreement or compulsorily, by a responsible authority shall apply to the local authority as if that authority were the responsible authority.

(5) The responsible authority may, with the consent of, and subject to any conditions imposed by, the Minister, purchase by agreement land comprised in a scheme, whether made under this Act or under any Act repealed by this Act, notwithstanding that the land is not immediately required for the purposes of the scheme.

(6) The powers of purchasing land under this section shall be subject to the restrictions contained in Part II of the Third Schedule to this Act.

Acquisition of land for open spaces and playing fields in area covered by planning scheme.

26. Where a scheme, whether made under this Act or under any Act repealed by this Act, has come into operation, and the common council of the city of London or the council of any county, county borough or county district require for the purposes of a public open space or a playing field any land to which the scheme applies, the provisions of the last preceding section with respect to the purchase of land, whether by agreement or compulsorily, by a responsible authority shall apply in relation to that land and to the council as if that council were the responsible authority and required that land for the purposes of the scheme.

Supplemental Provisions with respect to Schemes.

Limitation of street work charges.

27.—(1) Where provision is made in a scheme for the construction, widening, or improvement of any road or street, and for charging the cost, or any part of the cost, thereof upon the owners of adjoining land or other persons deriving benefit therefrom, the scheme shall secure that the cost so charged shall not exceed the amount which would at the date of the commencement of the works have been the cost of the execution of street works in the course of the construction, widening, or improvement if it had been carried out so as to comply with any enactments, byelaws, or regulations in operation in the area and, as respects matters for which no provision is made in any such enactments, byelaws, or regulations, so as to comply with such specification as the highway authority for the area would at the date of the commencement of the works have required as a condition of declaring the street to be a highway repairable by the inhabitants at large.

(2) In this section the expression "street works" means the sewering, levelling, paving, metalling, flagging, channelling and making good a road or street or part of a road or street and providing proper means of lighting therefor, and the expressions "construction" and "improvement" in relation to any road or street include the planting, laying out, maintenance and protection of trees, shrubs, and grass margins, in and beside the road or street.

Power to contribute towards expenses of owners in connection with the proposal of schemes.

28. It shall be lawful for a local authority or joint committee to contribute towards the expenses incurred by owners of land in or in connection with the proposal of a scheme which is adopted by the local authority or joint committee or in co-operating with them in the preparation of a scheme.

Power of county council to assist in preparation of schemes.

29. It shall be lawful for the council of any county to incur expenditure in assisting the councils of county districts within the county and joint committees representing any such councils in connection with the preparation of schemes.

Contributions by local authorities

30.—(1) It shall be lawful for any local authority within the meaning of the Local Loans Act, 1875, to contribute towards the expenses incurred by any authority towards expenses of, or in connection with, schemes. 38 & 39 Vict. c. 83.

in or in connection with matters preliminary to the preparation of a scheme, or in or in connection with the preparation or carrying into execution of a scheme, whether made under this Act or under any Act repealed by this Act.

(2) Any contribution which an authority, not being a local authority for the purposes of this Act or a county council, agree to make under this section shall be paid as part of the general expenses of the authority, and if the authority have power to borrow money for the purposes of their functions, the payment of the contribution shall be a purpose for which they may borrow in the like manner and subject to the like conditions.

Contributions by statutory undertakers towards expenses of, or in connection with, schemes.

31. It shall be lawful for any statutory undertakers to pay to any authority the whole or any part of any expenses incurred by that authority in, or in connection with, the preparation or carrying into execution of a scheme, whether made under this Act or under any Act repealed by this Act.

Application of betterment as capital.

32. All sums received by a responsible authority by way of betterment, or as proceeds of sale of any land purchased under the powers conferred by this Act, shall be applied in such manner as in the case of the London County Council the Treasury, and in other cases the Minister, may approve towards the discharge of any debt of the authority or otherwise for any purpose for which capital money may be applied.

Power of public departments to make agreements in connection with schemes.

33.—(1) For the purpose of co-operating with any local authority or joint committee who are preparing a scheme, or with any responsible authority who are carrying into effect a scheme, whether made under this Act or under any Act repealed by this Act, any public department may, subject to the approval of the Treasury, enter into agreements for securing that any land which is under their control, or which is in their occupation or vested in them for public purposes or for the public service, shall, so far as may be provided by any such agreement, be laid out and used in conformity with the general objects of the scheme, and any agreement so made may contain such consequential and incidental provisions, including provisions of a financial character, as appear to be necessary or desirable having regard to the contents or proposed contents of the scheme:

Provided that the department concerned in making an agreement under this section, and the Treasury in considering whether their approval shall or shall not be given to the agreement, shall have regard to the purposes for which the land in question was acquired, or is held, by the department.

(2) Section twelve of the Crown Lands Act, 1927 (which relates to the power of the Commissioners of Crown Lands to make agreements in connection with town planning schemes), shall cease to have effect.

17 & 18 Geo. 5. c. 23.

Power of authorities and owners to enter into agreements restricting use of land.

34.—(1) Where any person is willing to agree with any such authority as is mentioned in subsection (2) of this section that his land, or any part thereof, shall, so far as his interest in the land enables him to bind it, be made subject, either permanently or for a specified period, to conditions restricting the planning, development, or use thereof in any manner in which those matters might be dealt with by or under a scheme, the authority may, if they think fit, enter into an agreement with him to that effect, and shall have power to enforce the agreement against persons deriving title under him in the like manner and to the like extent as if the authority were possessed of, or interested in, adjacent land and as if the agreement had been entered into for the benefit of that adjacent land.

(2) Agreements may be entered into under this section by a local authority, a county council, or a responsible authority, not being a local authority or a county council.

(3) This section shall come into force upon the passing of this Act.

Provisions as to Garden Cities.

Acquisition of land for purpose of garden cities.

35.—(1) Where the Minister is satisfied that any local authority or two or more local authorities jointly, or any authorised association, are prepared to purchase any land and develop it as a garden city, or as an extension of an existing garden city, and have funds available for the purpose, he may, with the consent of the Treasury and after consultation with the

Board of Trade, the Minister of Agriculture and Fisheries, and the Minister of Transport, acquire that land on behalf of the authority or association, either by agreement or compulsorily, in any case in which it appears to the Minister necessary or expedient so to do for the purpose of securing the development of the land as aforesaid, and may do all such things as may be necessary to vest the land so acquired in the local authority or association.

(2) The provisions of this Act relating to the powers of a responsible authority to acquire land for the purposes of a scheme, shall, with any necessary modifications, apply for the purpose of the acquisition of land by the Minister under this section, and the Minister in exercising his powers of acquiring land under this section shall be subject to the same conditions as are applicable in relation to the acquisition of land under this Act by a responsible authority:

Provided that, in the case of an order for the compulsory acquisition of land on behalf of an authorised association, the order shall be laid before each House of Parliament and shall not be confirmed by the Minister unless and until both Houses by resolution have approved the order, nor, if any modifications are agreed to by both Houses, otherwise than as so modified.

(3) A local authority may acquire land, either by agreement or compulsorily, for any of the purposes for which land may be acquired under subsection (1) of this section, as if it were land comprised in a scheme which was required by a responsible authority for the purposes of the scheme.

(4) Any land acquired under the foregoing provisions of this section shall be developed in accordance with proposals approved by the Minister.

(5) Subject to such conditions as the Treasury may impose and up to an amount approved by the Treasury, the Public Works Loan Commissioners may advance by way of loan to any authorised association such money as the association may require for the purpose of developing the garden city in accordance with proposals approved by the Minister under this section, and the provisions of the Housing Act, 1925, with respect to loans by those Commissioners to a public utility society for the

15 & 16 Geo. 5. c. 14.

purpose of the purchase and development of land under Part III of that Act shall, subject to the provisions of this section, apply to advances made in pursuance of this subsection.

The power to make advances under this subsection shall be exercised during such a period as the Treasury may determine.

(6) Any authorised association shall have power, notwithstanding anything in their rules or constitution prohibiting the payment of interest on loan capital at a rate exceeding six per cent. per annum, to raise money on loan for the purposes of this section at a rate of interest not exceeding the rate for the time being fixed by the Treasury.

(7) In this section—

The expression "local authority" includes a county council:

The expression "garden city" includes garden suburb or garden village, and "authorised association" means any society, company or body of persons approved by the Minister whose objects include the promotion, formation, or management of garden cities and the erection, improvement or management of buildings for the working classes and others, and which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being fixed by the Treasury.

Powers of Minister.

Power of Minister to require preparation or adoption of scheme, and to require execution of scheme.

36.—(1) If the Minister is satisfied after the holding of a local inquiry that a scheme ought to be prepared by any authority as respects any land, he may by order require the authority to prepare a scheme and to take such other steps as may be necessary for bringing it into operation, and the order of the Minister shall have the same effect as a resolution to prepare a scheme for the area to which the order relates passed by the authority and approved by the Minister.

(2) If the authority fail to prepare a scheme to the satisfaction of the Minister within such time as may be

specified in the order, or to take any other steps which they are required by this Act, or by regulations made thereunder, or by order of the Minister thereunder, to take, the Minister may himself act in the place and at the expense of the authority, or in the case of the council of a rural district, or the council of an urban district which for the time being contains, according to the latest published return of the Registrar-General, a population of less than twenty thousand, may, if he thinks fit, and after consultation with the council of the county in which the district is situate empower that council so to act.

(3) If the Minister is satisfied after the holding of a local inquiry that any authority have failed to adopt any scheme proposed by owners of land in a case where a scheme ought to be adopted, he may order the authority to adopt the scheme proposed, or if he thinks fit, may himself approve the proposed scheme with or without modifications, and a scheme so approved by him shall be deemed to have been adopted by the authority and approved by the Minister.

(4) If the Minister is satisfied after the holding of a local inquiry that a responsible authority have failed to enforce effectively the observance of a scheme which has come into operation or any provisions of such a scheme (whether being a scheme made under this Act or being a scheme made under any Act repealed by this Act), or to execute any works or do any things which under the scheme or this Act the authority are required to execute or do, the Minister may by order, which shall be enforceable by mandamus, require the authority to do all things necessary for remedying their default and for carrying into execution the scheme, or, if he thinks fit, he may himself act in the place and at the expense of the authority, or, in the case of a rural district or such an urban district as is mentioned in subsection (2) of this section, may, if he thinks fit, and after consultation with the council of the county in which the district is situate empower that council so to act.

(5) The Minister shall furnish a copy of the report made to him by the person who holds a local inquiry directed by this section to every authority concerned and, on payment of such fee as may be fixed by the Minister, to any person interested.

(6) Any expenses incurred by the Minister in exercising under this section any powers of any authority shall be paid, in the first instance, out of moneys provided by Parliament, but the amount of those expenses as certified by the Minister shall, on demand, be paid by the authority to the Minister and shall be recoverable as a debt due to the Crown.

(7) The payment of any such expenses as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which an authority may borrow money in accordance with the provisions of this Act or of the scheme under which the authority are constituted.

(8) Where an order is made by the Minister under subsection (2) or subsection (4) of this section empowering a county council to act in the place of the council of a rural or urban district, the order may apply any of the provisions of section sixty-three of the Local Government Act, 1894, with such modifications and adaptations as appear necessary or expedient.

Regulations as to procedure.

37.—(1) The Minister may make regulations for regulating generally the procedure to be followed in connection with the preparation or adoption of schemes or orders, other than compulsory purchase orders, and for prescribing anything which is by this Act required or authorised to be prescribed.

(2) Regulations shall be made under subsection (1) of this section in relation to the matters specified in the headings of the several paragraphs of Part I of the Fourth Schedule to this Act, and those regulations shall, subject as provided in Part II of the said Schedule in relation to the matters specified in the heading thereof, be to the effect stated in those paragraphs respectively.

(3) Regulations made by the Minister under this Act shall, so soon as may be after they are made, be laid before each House of Parliament, and if either House of Parliament, within the next subsequent twenty-one days on which that House has sat after any such regulation has been laid before it, resolves that the regulation shall be annulled, the regulation shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

Local inquiries.

38.—(1) For the purposes of the execution of his powers and duties under this Act, the Minister may cause to be held such local inquiries as are directed by this Act and such other local inquiries as he may think fit, and the costs incurred in relation to any such local inquiry shall be paid by the authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Minister may direct, and the Minister may certify the amount of the costs incurred, and any sum so certified and directed by the Minister to be paid by any authority or person shall be a debt to the Crown from such authority or person.

(2) The provisions of the Public Health Act, 1875, with respect to inquiries which the Minister may cause to be held for the purposes of that Act, shall apply in relation to any local inquiry which he may cause to be held in pursuance of this Act.

(3) The Minister may, with the consent of the Treasury, appoint a person to act as an inspector for the purpose of conducting a local inquiry to be held in pursuance of this Act and may confer on the person so appointed any of the powers conferred on an inspector of the Ministry of Health for the purposes of inquiries held under the Public Health Act, 1875.

Legal Proceedings.

Appeals to quarter sessions.

39.—(1) A person aggrieved by the decision of a court of summary jurisdiction in any case where such a court have jurisdiction under this Act or any scheme made thereunder may appeal against that decision to quarter sessions and, for the purposes of such an appeal, any such decision shall be deemed to be an order of a court of summary jurisdiction.

(2) Notwithstanding anything in the Summary Jurisdiction Acts an appeal under this section may be brought at any time within twenty-eight days after the date of the decision.

Power to refer certain disputes to arbitration or to Minister.

40.—(1) Where under this Act, or any scheme made thereunder, an appeal lies, or an application may be made, to a court of summary jurisdiction, it shall be lawful for the persons who would be parties to the appeal or application to agree in writing either that the matter in dispute shall be determined by the Minister, or that it shall be referred to the arbitration of such person as may be agreed upon or, in default of agreement, appointed by the Minister.

(2) Where under this Act, or any scheme made thereunder, an appeal lies to the Minister, or any question is to be determined by him, it shall be lawful for the persons who would be parties to the appeal, or between whom the question is raised, to agree in writing that the matter in dispute shall be referred to the arbitration of such person as may be agreed upon or, in default of agreement, appointed by the Minister.

(3) Where any such agreement as aforesaid is made, the Minister or the arbitrator, as the case may be, shall have power to make any such order or determination as, in the absence of such agreement, might have been made by the court of summary jurisdiction or by the Minister.

(4) A determination of the Minister under this section shall be final, and the parties to an arbitration under this section may, before entering on the reference, agree in writing that the award of the arbitrator shall be final on all questions, whether of law or fact, and where any such agreement is made, the provisions of the Arbitration Act, 1889, as to the power of an arbitrator to state in the form of a special case an award, or any question of law arising in the course of a reference, shall not apply.

52 & 53 Vict. c. 49.

Miscellaneous Provisions.

For the protection of statutory undertakers.

41.—(1) No provision contained in a scheme shall apply to any land or any building erected thereon which for the time being belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking, except in so far as they may consent to any particular provision of the scheme being made applicable to any such land or building:

Provided that their consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be decided by the Minister; but the Minister, before giving his decision, shall, where any Government department other than the Ministry of Health are concerned with the functions of the undertakers, consult with the Secretary of State or other Minister in charge of that Department and shall, if the undertakers whose consent is sought so desire, afford them an opportunity of appearing before and being heard by one or more persons appointed for the purpose by the Minister and the Secretary of State or other Minister acting jointly.

(2) If, in connection with the giving by statutory undertakers of any consent under this Act, any question arises as to whether any or as to which Government department are concerned with the functions of any statutory undertakers the question shall be referred to and determined by the Treasury whose decision shall be final.

Consultation of Commissioners of Works as to schemes affecting certain buildings.

42. Where representations are made to the Minister that a provision in a scheme submitted for his approval will involve the removal, pulling down, or alteration of a building of special architectural or historic interest, he shall, before approving the scheme, consult with the Commissioners of Works.

Land in neighbourhood of Royal Palaces and Parks.

43.—(1) Where a local authority or joint committee propose to include in a scheme any land which is situate within the prescribed distance from any of the royal palaces or parks, or where an authority propose to acquire any such land under this Act, they shall, before preparing the scheme or acquiring the land, communicate with the Commissioners of Works, and the Minister shall, before approving the scheme or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations which he may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section, "prescribed" means prescribed by regulations made by the Minister after consultation with the Commissioners of Works.

Works below high-water mark.

44. Nothing in this Act shall authorise the execution of any works whether of construction, demolition or alteration on, over or under tidal lands below high-water mark of ordinary spring tides, except with the consent of any persons whose consent would have been required if this Act had not been passed, and except in accordance with such plans and sections and subject to such restrictions and conditions as, previous to such works being commenced, have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Saving for Postmaster-General. 41 & 42 Vict. c. 76.

45. The expression "Act of Parliament" in section seven of the Telegraph Act, 1878 (which makes provision as to work done in pursuance of Acts of Parliament which involves alteration in telegraphic lines), shall be construed as including a scheme under this Act.

Powers as to the preservation of trees.

46.—(1) The provisions to be inserted in a scheme with respect to securing amenity and the protection of existing amenities may include provisions for the preservation of single trees and groups of trees, and in addition may specify areas of woodland as areas to be protected under this section.

(2) Where an area is so specified, the scheme may impose an obligation on the owner, if any part of the woodland is felled, to undertake such replanting as would be in accordance with the practice of good forestry, but save as aforesaid the scheme shall not impose any control over forestry operations in the area.

(3) If any question arises between the responsible authority and the owner whether any replanting of land carried out or proposed to be carried out by the owner is or would be in accordance with the practice of good forestry, it shall, on the application of either party, be determined by the Forestry Commissioners, whose decision shall be final.

Powers with respect to advertisements.

47.—(1) Where it appears to the responsible authority that an advertisement displayed or a hoarding set up in the area to which a scheme applies seriously injures the amenity of land specified in the scheme as land to be protected under this Act in respect of advertisements, the authority may serve in the prescribed manner upon the owner of the advertisement or hoarding a notice requiring him to remove it within such period, not being less than twenty-eight days from the date of service of the notice, as may be specified therein, and where any such notice is served a copy thereof shall be served in the prescribed manner upon the owner and occupier of the land on which the advertisement or hoarding is displayed or set up.

(2) If a person upon whom a notice or a copy of a notice has been served under the last foregoing subsection on any date desires to allege that the advertisement or hoarding to which the notice relates does not seriously injure the amenity of any land specified in the scheme as aforesaid he may, by written notice served on the clerk of the court and the authority within twenty-eight days from that date, appeal to a court of summary jurisdiction for the petty sessional division or place comprising the land on which the advertisement or hoarding is displayed or set up.

(3) If on any such appeal as aforesaid the court are satisfied that the advertisement or hoarding does not seriously injure the amenity of any land specified in the scheme as aforesaid, the court shall allow the appeal, but if they are not so satisfied the court shall dismiss the appeal, so, however, that the court may by their order postpone the date for compliance with the requirements of the notice to such date, not being later than the expiration of twenty-eight days from the date of the order, as they think fit.

(4) If the owner of an advertisement or hoarding upon whom a notice has been served under subsection (1) of this section does not comply with the requirements of the notice within the period therein specified, then, unless an appeal in respect of the notice is made under this section and allowed, the authority may, at any time after the expiration of that period or, if the court on an appeal under this section postpone the date for compliance with the requirements of the notice, after the date specified in the order, enter upon the land upon which the advertisement or hoarding is displayed or set up and remove the advertisement or hoarding and recover from the owner thereof the expenses of such removal and on any proceedings for the recovery of such expenses the defendant shall not be entitled to raise by way of defence any matter which might have been raised by him on an appeal under this section.

(5) Where a scheme specifies any land in the area to which the scheme applies as land to be protected under this Act in respect of advertisements, the scheme may contain provisions enabling the responsible authority subject to such conditions as may be specified in the

scheme to authorise the display of any particular class of advertisements, either unconditionally or subject to any conditions in respect of the position or manner in which, or the period during which, the advertisements may be displayed, and conferring upon any person aggrieved by a decision of the responsible authority in relation to such authorisation as aforesaid a right of appeal to a court of summary jurisdiction.

(6) The powers conferred upon a responsible authority by subsections (1) and (4) of this section shall not be exerciseable—

(i) in respect of advertisements the display of which is authorised as provided by the last foregoing subsection;

(ii) in respect of advertisements which relate solely to a trade or business carried on, or to an entertainment, meeting, auction or sale to be held, upon or in relation to the land upon which the advertisements are displayed, and which conform with any provisions contained in the scheme with respect to the size, position, and manner of display of such advertisements;

(iii) in respect of advertisements on the door or in the window of a building which conform with any such provisions as aforesaid;

(iv) during the period of five years from the coming into operation of the scheme, in respect of hoardings erected or in use for advertising purposes before the date when the resolution to prepare or adopt the scheme took effect, or advertising stations used by advertising contractors at that date, or in respect of advertisements displayed on any such hoarding or station at any time during that period, or in respect of advertisements displayed at that date.

(7) Property shall not, for the purposes of the provisions of this Act relating to compensation and betterment, be deemed to be injuriously affected or increased in value by the provisions of this section or anything done or suffered thereunder.

(8) Save as provided by this section, a scheme shall not contain any provision prohibiting or controlling the erection or use of structures for the purpose of advertising:

Provided that the foregoing provisions of this subsection shall not render unlawful the insertion in a scheme of a provision which prohibits the erection on any land of buildings generally, or under which buildings generally could be removed from any land, if that provision is required for a purpose other than the prevention of injury to amenity by advertisements or hoardings.

(9) In this section the expression "hoarding" means any hoarding or similar structure erected or used for the purpose of advertising; and the expression "owner" means, in relation to an advertisement displayed by a person carrying on the business of an advertising contractor, that person, and means, in relation to any other advertisement, the person to whose goods, trade, business, or other concerns publicity is given by the advertisement.

Appointment of committees for purposes of Act.

48.—(1) A local authority or a county council may, subject to the provisions of this section, appoint a committee for any of the purposes of this Act, which, in the opinion of the authority, would be better regulated and managed by means of a committee, and may delegate to the committee, with or without restrictions or conditions as they think fit, any of their powers under this Act except the power of levying a rate or borrowing money, or of relinquishing in favour of the council of the county any of their powers and duties under this Act.

(2) A committee appointed under this section shall consist of such number of persons as the appointing authority think fit, but at least three-fourths of the members of the committee shall be members of the appointing authority.

Expenses of, and borrowing by, local authorities.

49.—(1) Subject to the provisions of subsection (8) of section thirty-six of this Act, any expenses incurred by a local authority or a county council under this Act shall be defrayed, in the case of the common council of the city of London, as expenses of that council chargeable to the general rate of that city, in the case of a county council, as expenses for general county purposes or as expenses for special county purposes chargeable upon such part of the county as the county council may determine, and, in the case of the council of a county borough or county district, as expenses of the council under the Public Health Acts, 1875 to 1926:

Provided that a county council, before determining that any such expenses incurred by them under so much of section thirty of this Act as authorises them to contribute towards the expenses incurred by any authority in connection with the carrying into execution of a scheme shall be defrayed as expenses for general county purposes, shall serve notice on every other local authority in the administrative county who have passed a resolution which has taken effect under section six of this Act or any similar enactment repealed by this Act. Any such local authority aggrieved by the determination of the county council may appeal to the Minister, and the decision of the Minister on an appeal under this proviso shall be final, and shall have effect as if it were the decision of the county council:

Provided further that any expenses properly incurred in or in connection with the preparation or carrying into execution of a scheme made by the common council of the city of London, where such scheme is consequential upon a scheme made by the London County Council in respect of a part of the county of London and forms part of a general proposal for planning an area comprising land in the city of London and land in the county of London, shall be defrayed by the London County Council as expenses for general county purposes, and any difference between the said common council and the London County Council under this proviso shall be referred to and determined by the Minister.

(2) A local authority or a county council may borrow for the purposes of this Act—

(*a*) in the case of the common council of the city of London, under the City of London Sewers Acts, 1848 to 1897;

(*b*) in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment; 2 & 3 Geo. 5. c. cv.

(*c*) in the case of any other county council, under and in accordance with section sixty-nine of the

51 & 52 Vict. c. 41.

Local Government Act, 1888, as amended by any subsequent enactment; and

(*d*) in the case of the council of a county borough or county district, as for the purposes of the Public Health Acts, 1875 to 1926.

Special provisions as to administrative county of London.

50.—(1) A scheme which applies to any land within a metropolitan borough may, with the consent of the council of that borough, provide for that council being the responsible authority for all or any of the purposes of the scheme, so far as respects the land within the borough, and if such a scheme provides for the constitution of a joint body to act as the responsible authority for the purposes of the scheme, it may, with the like consent, provide for the representation of the council of the borough upon that joint body; but, except with the consent of the London County Council, no local authority whose area is outside the administrative county of London and no joint body of whom any such authority are a constituent authority shall, as respects any land in the said county, be a responsible authority for any purposes of a scheme.

(2) The London County Council shall, with respect to any of the following matters, that is to say:—

(*a*) any proposal for a resolution to prepare a scheme, or to revoke a resolution to prepare or adopt a scheme;

(*b*) the preparation of any scheme, supplementary order, or general development order which the council propose to make;

(*c*) the examination of any scheme or supplementary order which they propose to adopt;

(*d*) any proposal for the making, variation, or revocation of an order under section seventeen of this Act,

consult with the council of each metropolitan borough within which any land or building to be affected is situate and also, if in the opinion of the county council the council of any other metropolitan borough are concerned, with that council:

Provided that no such consultation shall be necessary in the case of a proposal for a resolution to prepare a scheme if the county council are of opinion that the matter should be dealt with forthwith as a matter of immediate urgency.

(3) Where under an interim development order or a scheme an application is made to the London County Council for permission to develop any land within a metropolitan borough pending the coming into operation of a scheme or, as the case may be, pending the coming into operation of a general development order, the county council shall, if the application is an application of any such class (being a class of application involving matters of principle) as may be specified in the order or scheme, give notice to the council of the borough not less than fourteen days before the application is to be taken into consideration, and the county council in determining the application, and the Minister in determining any appeal against their decision, shall take into account any representations made by the council of the borough.

(4) The London County Council shall consult with the common council of the city of London with respect to any of the following matters, in so far as they affect or are likely to affect any scheme made or adopted or any resolution to prepare or adopt a scheme which has been passed or is proposed to be passed by the common council of the city of London, that is to say:—

(*a*) any proposal for a resolution to prepare a scheme or to revoke a resolution to prepare or adopt a scheme;

(*b*) the preparation of any scheme which they propose to make;

(*c*) the examination of any scheme which they propose to adopt;

and the common council shall consult with the London County Council in such matters in so far as they affect or are likely to affect any scheme made or adopted, or any resolution to prepare or adopt a scheme which has been passed or is proposed to be passed, by the London County Council.

(5) The provisions of section seventeen of this Act shall apply in relation to any building of special architectural or historic interest which is situated within the city of London as if that city were a county borough and as if the common council of the city of London were

the council of that borough, and those provisions shall apply in relation to any such building which is situate within the county of London as if that county were a county borough and as if the London County Council were the council of that borough.

(6) For the purposes of this Act the provisions of the Public Health Acts, 1875 to 1926, with respect to the purchase of land by agreement shall be deemed to extend to the city of London and the county of London.

21 & 22 Geo. 5. c. xciii.

(7) No scheme or interim development order shall suspend or affect the operation of any provision contained in the London Squares Preservation Act, 1931, or in any order made under that Act, with respect to a protected square as defined in that Act.

(8) Any expenses incurred under this Act by the council of a metropolitan borough shall be defrayed as part of the general expenses of the council, and money may be borrowed for the purposes of this Act by the council of a metropolitan borough in like manner and subject to the like conditions as for the purposes of the Metropolis Management Acts, 1855 to 1893.

20 & 21 Geo. 5. c. clviii.

(9) No scheme or order made under this Act shall, without the consent of the London County Council, provide for suspending, modifying or adapting any provision of the London Building Act, 1930, or any Act amending or extending that Act, or any byelaw or regulation made thereunder.

Compensation to officers.

51.—(1) Every officer of a council who, in consequence of the relinquishment, delegation, or transfer of any powers or duties of that council under any provision contained in sections two to five of this Act, suffers any direct pecuniary loss by determination of his appointment or by diminution or loss of fees, salary, or emoluments, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to recover compensation under this Act for that loss from that council.

(2) For the purposes of this section an officer of a council by or from whom any powers or duties are so relinquished, delegated, or transferred—

(*a*) who at any time within five years after the date of the relinquishment, delegation, or transfer, as the case may be, relinquishes office by reason of his having been required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform immediately before the said date; or

(*b*) whose appointment is determined or whose salary is reduced within five years after the said date because his services are not required or his duties are diminished, and not on the ground of misconduct or inefficiency,

shall be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss in consequence of that relinquishment, delegation, or transfer.

(3) The provisions of section one hundred and twenty-six of the Local Government Act, 1929, and of the Eighth Schedule to that Act, shall apply in relation to claims for compensation under this Act as they apply in relation to claims for compensation under that Act, subject to the following modifications,—

19 & 20 Geo. 5. c. 17.

(*a*) references to that Act shall be construed as references to this Act; and

(*b*) references to the appointed day shall be construed as references to the date of the relinquishment, transfer, or delegation, as the case may be,

and subject also to such other modifications, if any, as the Minister may consider to be necessary for the purpose of adapting those provisions to cases arising under this Act.

(4) In this section the expression " officer " includes servant.

Transitional provisions.

52.—(1) Where before the commencement of this Act a local authority have, in pursuance of authority given by the Minister under subsection (2) of section one of the Town Planning Act, 1925, resolved to prepare a scheme under that subsection for the limited purposes therein mentioned, they may, notwithstanding the repeal of the said subsection, prepare and make a scheme for those purposes, without prejudice, however, to their power to pass at any time a resolution to prepare or adopt with respect to the same area, or any part

15 & 16 Geo. 5. c. 16.

thereof, a scheme for any of the purposes mentioned in section one of this Act.

(2) Where an application for authority to prepare or adopt a scheme has been granted, or a resolution to prepare or adopt a scheme has taken effect, but the scheme to be prepared in pursuance of that application or resolution, or, as the case may be, the scheme so adopted, has not at the commencement of this Act come into operation, the application or resolution shall have effect as if it were a resolution passed by the authority and approved by the Minister under this Act, and the existing provisions which immediately before that date regulated the service of notices in the area in question and the procedure in connection with the preparation or adoption of schemes, and the submission of schemes to the Minister, and consideration and approval thereof by him shall, whether those provisions were contained in regulations made by the Minister under the Town Planning Act, 1925, or were contained partly in such regulations and partly in a local Act, continue to apply in relation to that scheme:

Provided that the Minister may by general or special order direct that in certain classes of case, or in any particular case, the provisions of this Act with respect to the matters aforesaid shall apply instead of such existing provisions as aforesaid to such extent, and with such modifications, as he may think fit.

Interpretation.

53. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"Buildings" includes structures and erections;

"Building operations" includes any road works preliminary, or incidental, to the erection of buildings;

9 & 10 Geo. 5. c. 50.

"Classified road" means a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class 1 or Class 2, or in any class declared by him to be not inferior to those classes for the purposes of the Local Government Act, 1929;

"Development," in relation to any land, includes any building operations or rebuilding operations, and any use of the land or any building thereon for a purpose which is different from the purpose for which the land or building was last being used:

Provided that—

(i) the use of land for the purpose of agriculture, whether as arable, meadow, pasture ground or orchard, or for the purposes of a plantation or a wood, or for the growth of saleable underwood, and the use for any of those purposes of any building occupied together with land so used, shall not be deemed to be a development of that land or building; and

(ii) the use of land within the curtilage of a dwelling-house for any fresh purpose other than building operations shall not be deemed to be a development of that land if the purpose is incidental to the enjoyment of the dwelling-house as such;

"District" means, in relation to the common council of the city of London, the city of London, in relation to the London County Council, the county of London, and in relation to the council of any other county or of a borough, that county or borough;

"Fence" and "hedge" have respectively the same meanings as in the Roads Improvement Act, 1925; 15 & 16 Geo. 5. c. 68.

"Joint committee" means a joint committee appointed under section three or under section four of this Act, or under any repealed enactment relating to town planning;

"Land" includes land covered with water and any right in or over land;

"Minerals" includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or by surface working;

"Owner" in relation to any land means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, or of any term of years therein granted or agreed to be granted by a lease or agreement the unexpired term whereof exceeds three years;

"Prescribed" means prescribed by regulations made by the Minister;

"Road" includes a drift-way and a footway;

"Statutory undertakers" means any person authorised by or under an Act of Parliament, or an order having the force of an Act of Parliament, to construct, work, or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking;

"Scheme" means a scheme under this Act, and, save as otherwise expressly provided in this Act, includes a supplementary scheme and a scheme varying or revoking an existing scheme;

"Site" in relation to a building includes the area of any offices, out-buildings, yard, court or garden occupied or intended to be occupied therewith;

"The material date" means, in relation to any provision contained in a scheme, other than a supplementary scheme or a varying scheme, the date on which the resolution to prepare or adopt the scheme took effect or such later date as may be fixed by the scheme, either generally or for the purposes of any particular provision thereof, and in relation to any provision contained in a supplementary scheme or a varying scheme or a supplementary order means the date on which the scheme or order came into operation, or such later date as may be fixed by the scheme or order, either generally or for the purposes of any particular provision thereof:

Provided that, where any provision of a scheme or order is revoked by a subsequent scheme or order which contains the same provision or a provision substantially to the same effect, the material date in relation to that later provision shall be the date which, if the earlier provision had continued in operation, would have been the material date in relation thereto;

"Existing building" and "existing work" mean respectively a building or work erected, constructed or carried out before the material date, and include also a building or work—

(i) erected, constructed or carried out in pursuance of a contract made before the material date; or

(ii) begun before, but completed after, that date; or

(iii) erected, constructed or carried out in accordance with the terms of an interim development order, whether made under this Act or any Act repealed by this Act, or of permission granted under such an order:

Provided that—

(*a*) a building erected or constructed in substitution for a previous building in accordance with the provisions of the scheme relating to substituted buildings shall be deemed to be an existing building; and

(*b*) a building shall not cease to be, or to be deemed to be, an existing building by reason of its alteration or extension in accordance with the provisions of the scheme relating to the alteration or extension of existing buildings, and any such alteration or extension shall itself be deemed to be part of the existing building;

"Existing use" means, in relation to any building or land, a use of that building or land for any purpose of the same or a similar character to that for which it was last used before the material date, or, in the case of a newly erected building which has not been used before that date, a use for any purpose for which it was designed, and includes in any case any use of a building or land permitted by or under an interim development order, whether made under this Act or any Act repealed by this Act:

Provided that—

(i) if at any time after the material date the existing use of a building is discontinued for a period of eighteen months, no use of that building at any subsequent date shall be deemed to be an existing use thereof;

(ii) where at the material date a person who was using any land for the purpose of mining, quarrying, the digging of clay, gravel or sand, or the deposit of waste materials or refuse, or any other purpose of a similar nature, was entitled also to use neighbouring land for any such purpose, the user under that title of that neighbouring land for any such purpose, whether before or after the material date, shall be deemed to be an existing use.

Repeals.

54.—(1) The enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule, and, subject to the provisions of subsection (2) of section fifty-two of this Act, such of the provisions of any local Act, including any local Act passed on the same day as this Act, as modify the provisions of the Town Planning Act, 1925, in its application to a particular locality are also repealed:

Provided that—

(*a*) nothing in this repeal shall affect any appointment, scheme, order, regulation, or agreement made, or any approval, consent or notice given, under any enactment repealed by this Act, and any such appointment, scheme, order, regulation, agreement, approval, consent or notice may be enforced and carried into effect as if this Act had not been passed, but may be amended, varied, repealed or revoked under this Act;

(*b*) where at the commencement of this Act there is outstanding any claim for compensation duly made under any Act repealed by this Act, or any claim so made for any amount in respect of an increase in the value of property, or the time limited by or under any such repealed Act for making such a claim has not expired, that outstanding claim, and any such claim made within the time so limited, shall be entertained and may be enforced in the same manner in all respects as if this Act had not been passed;

(*c*) a reference in any document to any Act or enactment repealed as aforesaid, or to a town planning scheme under any such Act, shall be construed as a reference to this Act or the corresponding enactment in this Act, or to a scheme under this Act;

(*d*) the provisions of a local Act, in so far as they effect a transfer of functions exerciseable under the Town Planning Act, 1925, from one authority to another or regulate the manner in which any such functions are to be exercised where such a transfer has been so effected, shall be excepted from the repeal by this section of the provisions of local Acts;

(*e*) except as expressly provided in the section of this Act of which the marginal note is "Special "provisions as to the Surrey County Council "Act, 1931," nothing in this Act shall repeal or affect any provisions of the Surrey County Council Act, 1931. 21 & 22 Geo. 5. c. ci.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals. 52 & 53 Vict. c. 63.

Special provisions as to the Surrey County Council Act, 1931.

55.—(1) Sections seventy-three to eighty-one and section eighty-three of the Surrey County Council Act, 1931, (in this section referred to as "the Surrey Act"), are hereby repealed:

Provided that the repeal of section eighty of the Surrey Act shall be without prejudice to the provisions of subsection (2) of section fifty-two of this Act.

(2) So much of subsection (1) of section ninety-seven of the Surrey Act as relates to any of the sections repealed by subsection (1) of this section and subsections (2) and (3) of that section ninety-seven are also hereby repealed.

(3) In the Surrey Act (except in section one hundred and seventy-four thereof) references to a town planning scheme or to a town planning scheme made or approved under or in pursuance of the Town Planning Act, 1925, shall be construed as including references to a scheme under this Act, and the words "whether under the "Town Planning Act, 1925, or the section of this Act "of which the marginal note is 'Extension of powers "'of local authorities to make or adopt town planning "'schemes'" in paragraph (*a*) of subsection (6) of section sixty-eight of the Surrey Act are hereby repealed.

(4) In subsection (8) of section ninety-six of the Surrey Act references to a joint committee appointed under section two of the Town Planning Act, 1925, shall be construed as including references to a joint committee appointed under this Act.

(5) The following section shall be substituted for section eighty-two of the Surrey Act:—

> "(1) A local authority may with the consent "of the Surrey Joint Planning Committee constituted under section ninety-six of this Act delegate "to that committee, with or without restrictions, "any of their powers and duties in connection "with the preparation or adoption of a town "planning scheme, other than the power to "borrow money or levy a rate, and shall pay "any expenses incurred by the said committee "in the exercise of any powers and duties so "delegated.
>
> "(2) (*a*) Where two or more local authorities "are desirous of acting jointly in the preparation "or adoption of a scheme, they may, with the "consent of the Surrey Joint Planning Committee, "concur in delegating to that committee with or "without restrictions any of their powers and "duties in connection with the preparation or "adoption of a town planning scheme, other than "the power to borrow money or levy a rate.

"(*b*) The expenses incurred by the said committee in the exercise of any powers and duties delegated under this subsection shall be paid by the local authorities who have concurred in the delegation, or some or one of them, as they may agree, and if any question arises as to the local authorities or local authority by whom, or the proportions in which, any such expenses are to be paid, that question shall be determined by the Minister.

"(*c*) The provisions of section fifty-eight of the Local Government Act, 1894, with respect to accounts and audit shall, with any necessary modifications, apply in relation to the expenses incurred by the said committee in the exercise of any powers and duties delegated under this subsection as though the said committee were a joint committee of which the local authorities who have concurred in the delegation were constituent authorities."

(6) A scheme applying to land in the administrative county of Surrey may, with the consent of the Surrey Joint Planning Committee constituted under the Surrey Act, provide that the said committee or a body consisting of such number of members of the said committee, to be nominated by the said committee for the purpose, as may be specified in the scheme, shall be the authority responsible for enforcing and carrying into effect all or any of the provisions of the scheme, and where a scheme provides for a body consisting of such persons as aforesaid being the responsible authority for any of the purposes of the scheme it may authorise that body to co-opt additional members, so however that at least three-fourths of the members of that body shall be persons who are members of the said committee.

Saving as to the Sandhills in the Parts of Lindsey, Lincolnshire.

56. Nothing in this Act shall affect the provisions of any Act of the present Session to provide, amongst other purposes, for regulating certain lands in the Parts of Lindsey, Lincolnshire, known as the Sandhills.

Application to Scotland.

57.—(1) This Act shall apply to Scotland subject to the adaptations and modifications specified in the Sixth Schedule to this Act.

(2) A copy of this Act as applying to Scotland by virtue of the provisions of the last preceding subsection, but with this section and the said Sixth Schedule omitted therefrom, shall be prepared and certified by the Clerk of the Parliaments as if it were a separate Act which had received the Royal Assent on the same day as this Act and shall be deposited with the Rolls of Parliament, and thereupon this Act shall cease to apply to Scotland and the Act as certified as aforesaid shall take effect as a separate Act of the present session and may be cited as the Town and Country Planning (Scotland) Act, 1932, and may be printed as a separate Act by the Printers to His Majesty as a chapter of the statutes of the session distinguished by the number next following the number of the chapter assigned to this Act.

Short title, commencement and extent.

58.—(1) This Act may be cited as the Town and Country Planning Act, 1932, and, except as otherwise expressly provided, shall come into operation on the first day of April, nineteen hundred and thirty-three.

(2) This Act shall not extend to Northern Ireland.

SCHEDULES.

Sections 8 and 25 (3).

FIRST SCHEDULE.

Part I.

Provisions as to the laying of Schemes before Parliament.

1. Where a scheme is approved or made by the Minister he shall cause it to be laid forthwith before both Houses of Parliament.

2.—(1) A scheme which contains a provision suspending the operation of a statutory enactment, other than an enactment which is an excepted enactment for the purposes of this paragraph, shall not be capable of coming into operation until a resolution approving the suspensory provision has been passed by each House of Parliament.

(2) For the purposes of this paragraph the following are excepted enactments :— 1st Sch. —*cont.*

(*a*) section one hundred and twelve of the Public Health Act, 1875, as extended by section fifty-one of the Public Health Acts (Amendment) Act, 1907;

(*b*) the Public Health (Buildings in Streets) Act, 1888;

(*c*) sections thirty to thirty-four of the Public Health Act, 1925;

(*d*) section five of the Roads Improvement Act, 1925;

(*e*) any enactment making such provision as might, by virtue of any Act of Parliament, have been made in relation to the area to which the scheme applies by means of a byelaw, order, or regulation not requiring confirmation by Parliament;

(*f*) any enactment which has been previously suspended by some other scheme which came or was capable of coming into operation, and any enactment having substantially the same effect as any such enactment.

3. Subject as aforesaid a scheme approved or made as aforesaid shall be capable of coming into operation in accordance with the provisions of Part II of this Schedule unless—

(1) either House of Parliament within a period of twenty-one days on which that House has sat after the scheme has been laid before it resolves that the scheme or some provision thereof ought not to come into operation; or

(2) on a motion that a provision in the scheme be approved or that the scheme or some provision thereof ought not to come into operation an undertaking is given by, or on behalf of, the Minister to modify the scheme.

4. If in the case of any scheme—

(1) a resolution to approve a suspensory provision contained in the scheme is not agreed to by either House of Parliament; or

(2) it has been resolved by either House of Parliament that the scheme or some provision contained therein ought not to come into operation; or

(3) there has in relation to the scheme been given any such undertaking as is mentioned in paragraph three of this Part of this Schedule,

the following provisions shall have effect :—

(*a*) if the scheme is a scheme which was prepared or adopted by a local authority or joint committee, it may be modified by the Minister in like manner, and the like further proceedings may be taken thereon, as if the Minister had not approved it;

1st Sch. —*cont.*

(*b*) if the scheme is a scheme which was made by the Minister, a new scheme may be made by him in like manner, and the like proceedings may be taken thereon as if the first mentioned scheme had not been made.

PART II.

PROVISIONS AS TO THE VALIDITY AND DATE OF OPERATION OF SCHEMES.

1. So soon as may be after a scheme has, regard being had to the provisions of Part I of this Schedule, become capable of coming into operation, the local authority or joint committee by whom the scheme was prepared or adopted, or is deemed to have been prepared or adopted, shall publish in a local newspaper a notice in the prescribed form stating that the scheme has been laid before both Houses of Parliament and is capable of coming into operation and naming a place where a copy of the scheme and of any map therein referred to may be seen at all reasonable hours, and shall serve a like notice on every person to whom this Act or the regulations made by the Minister thereunder require notice to be given.

2. If any person aggrieved by a scheme desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act, or that any requirement of this Act, or of any order or regulation made thereunder, has not been complied with in relation to the scheme, he may, at any time within six weeks after the date on which the notice required by the provisions of paragraph one of this Part of this Schedule is published, make an application for the purpose to the High Court.

3. The High Court, on an application made under this Part of this Schedule—

(*a*) may by interim order suspend the operation of the scheme, or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and

(*b*) if satisfied that the scheme, or any provision contained therein, is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act, or of any order or regulation made thereunder, not having been complied with, may quash the scheme or any provision contained therein, either generally or in so far as it affects any property of the applicant.

1st Sch. —*cont.*

4. Subject to the provisions of paragraphs two and three of this Part of this Schedule, the validity of a scheme shall not, either before or after it has been approved or made, be called in question in any legal proceedings whatsoever, and shall become operative at the expiration of six weeks from the date on which the notice required by the provisions of paragraph one of this Part of this Schedule is published.

5. Except by leave of the Court of Appeal no appeal shall lie to the House of Lords from a decision of the Court of Appeal under this Part of this Schedule.

6. The validity of a provision in a scheme which has been approved by resolution passed by each House of Parliament shall not be called in question on any ground under the provisions of this Part of this Schedule or in any legal proceedings whatsoever, nor shall any such provision be suspended or quashed under the provisions of this Part of this Schedule.

Part III.

Provisions as to the Validity and Date of Operation of Compulsory Purchase Orders.

1. So soon as may be after a compulsory purchase order has been confirmed by the Minister the authority by whom the order was made shall publish in a local newspaper a notice in the prescribed form stating that the order has been so confirmed and naming a place where a copy of the order and of any map therein referred to may be seen at all reasonable hours and shall serve a like notice on every person who, having given notice of his objection to the order, appeared at the local inquiry in support of his objection.

2. If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or that any requirement of this Act or of any order or regulation made thereunder has not been complied with in relation to the order, he may within six weeks after the date on which notice of its confirmation is published in accordance with the provisions of the preceding paragraph make an application for the purpose to the High Court, and upon any such application the Court—

(*a*) may by interim order suspend the operation of the order or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and

1st Sch. —*cont.*

(*b*) if satisfied that the order or any provision contained therein is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act or of any order or regulation made thereunder not having been complied with, may quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

3. Subject to the provisions of the last preceding paragraph, a compulsory purchase order shall not, either before or after it has been confirmed, be questioned in any legal proceedings whatsoever, and shall become operative at the expiration of six weeks from the date on which notice of its confirmation is published in accordance with the provisions of paragraph one of this Part of this Schedule.

4. Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal under this Part of this Schedule.

5. This Part of this Schedule does not apply to an order which is provisional only until confirmed by Parliament.

Section 11.

SECOND SCHEDULE.

Matters to be dealt with by Schemes.

1. Streets, roads and other ways, and stopping up or diversion of existing highways including churchways.

2. Buildings, structures, and erections.

3. Open spaces, private and public.

4. The reservation of sites for places of religious worship or for houses for the residence of officiating ministers or burial places in connection therewith.

5. The reservation of land as sites for aerodromes.

6. The prohibition, regulation, and control of the deposit or disposal of waste materials and refuse.

7. Sewerage, drainage, and sewage disposal.

8. Lighting.

9. Water supply.

10. Ancillary or consequential works.

2nd Sch. —*cont.*

11. Extinction or variation of private rights of way and other easements.

12. Dealing with or disposal of land acquired by the responsible authority or by a local authority.

13. Power of entry and inspection.

14. Power of the responsible authority to remove, alter or demolish any obstructive work.

15. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.

16. Power of the responsible authority or a local authority to accept any property whether real or personal for the furtherance of the objects of any scheme, and provision for regulating the administration of any such money or property and for the exemption of any assurance with respect to money or property so accepted from enrolment under the Mortmain and Charitable Uses Act, 1888.

17. Application with the necessary modifications and adaptations of statutory enactments.

18. Carrying out and supplementing the provisions of this Act for enforcing schemes, and for that purpose imposing pecuniary penalties for breach of or failure to comply with schemes and making provision for the recovery thereof in a court of summary jurisdiction.

19. Limitation of time for operation of scheme.

20. Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested.

21. Charging on any land the value of which is increased by the operation of a scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations the provisions of any enactments dealing with charges for improvements of land.

THIRD SCHEDULE.

Section 25.

Part I.

Provisions as to the Compulsory Acquisition of Land.

1. A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which

3rd Sch. *—cont.*

it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

(*a*) the Lands Clauses Acts (except sections ninety-two and one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845.

2. A compulsory purchase order in respect of land forming the site of a highway which has been stopped up under a provision contained in a scheme shall not be submitted to the Minister after the expiration of twelve months from the date on which the highway was stopped up.

3. The modifications, subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows :—

(i) The arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the date on which notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the arbitrator, the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining compensation or increased compensation;

(ii) No person shall be required to sell a part only of any house, building or manufactory, or of any land which forms part of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden unless the arbitrator determines that in the case of a house, building or manufactory such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house, and, if he so determines, he shall award compensation in respect of any loss due to the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell to the responsible authority that part of the house, building, manufactory, park or garden;

(iii) Where the land to which the order relates is land forming the site of a highway which has been stopped up under a provision contained in a scheme, any compensation payable shall be assessed on the basis that the land could not lawfully be used in any manner which, if the highway had not been stopped up, would have interfered with the right of the public to use that highway; and

(iv) Where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

4. Before submitting the order to the Minister the responsible authority shall—

(*a*) publish in a local newspaper a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(*b*) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto may be made.

5. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification:

Provided that—

(i) the Minister may require any person who has made an objection to state in writing the grounds thereof, and may confirm the order without causing a local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters

3rd Sch. *—cont.*

which can be dealt with by the arbitrator by whom the compensation is to be assessed;

(ii) the order as confirmed by the Minister shall not, unless all persons interested consent, authorise the responsible authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification.

6. For the purposes of this Schedule a notice may be served—

(i) by registered post or by delivery to or at the residence of the person to whom it is addressed; or

(ii) if the responsible authority are unable after reasonable enquiry to ascertain the name and address of the person upon whom it should be served, by addressing it to him—

(*a*) by name, if his name is known; or

(*b*) if his name is not known, by the description of "owner" or "occupier" of the premises (naming them) to which it relates,

and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

Part II.

Restrictions on Acquisition of Land.

1. The Minister shall not confirm an order for the compulsory purchase of any land which is the site of an ancient monument or other object of archæological interest, unless he is satisfied that the monument or object is not being properly protected, preserved and maintained and that its acquisition by the responsible authority is necessary for securing its protection or preservation and maintenance.

2. The Minister shall not confirm an order for the compulsory purchase of any land which belongs to any local authority within the meaning of the Local Loans Act, 1875, or to any statutory undertakers unless the land is required for the widening of an existing highway and the authority or undertakers consent:

Provided that such consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be decided by the Minister, but the Minister, before giving his decision as to whether or not the consent of any undertakers is unreasonably withheld, shall, where any Government department other than the Ministry of Health are concerned with the functions of the undertakers, consult with the Secretary of State or other Minister in charge of that department, and shall, if the undertakers so desire, afford them an opportunity of appearing before and being heard by one or more persons appointed for the purpose by the Minister and the Secretary of State or other Minister acting jointly.

3rd Sch. —*cont.*

3. The Minister shall not confirm an order for the compulsory purchase of any land forming the site of a highway which has been stopped up under a provision contained in a scheme if any person who, under section one hundred and twenty-eight of the Lands Clauses Consolidation Act, 1845, is, or would upon a disposition thereof be, entitled to a right of pre-emption in respect of the land, has given notice of his desire to purchase the land, or if a right of pre-emption under the said section has been exercised in respect of the land.

4.—(i) Where a scheme or an order made in connection with a scheme authorises the acquisition or appropriation of any land forming part of any common, open space, or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except—

(*a*) where the scheme provides for giving in exchange for such land other land, not being less in area, certified by the Minister, after consultation with the Minister of Agriculture and Fisheries, to be equally advantageous to the persons, if any, entitled to rights of common or other rights and to the public; or

(*b*) where such land is required for the widening of an existing highway and the Minister, after consultation with the Minister of Agriculture and Fisheries, declares that the giving in exchange of other land is unnecessary either in the interests of the persons, if any, entitled to rights of common or other rights, or of the public.

(ii) Before giving any such certificate, or making any such declaration, the Minister shall give public notice of the proposed exchange, or of his intention to make the declaration, and shall afford opportunity to all persons interested to make representations and objections in relation thereto, and shall, if necessary, cause a local inquiry to be held on the subject.

(iii) Where any scheme authorises such an exchange as aforesaid, it shall provide for vesting the land given in exchange in the persons in whom the common, open space or allotment was vested, subject to the same rights, trusts, and incidents as attached to the common, open space or allotment, and for discharging the part of the common, open space or allotment

3rd Sch. —*cont.* acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(iv) For the purposes of this Part of this Schedule the expression "common" includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green; the expression "open space" means any land laid out as a public garden, or used for the purposes of public recreation, and any disused burial ground; and the expression "allotment" means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act; and for the purposes of paragraph 2 of this Part of this Schedule the expression "highway" shall not include a bridge by which a highway is carried over or under any railway, canal or navigable waterway, or the approaches to any such bridge, or the road carried by any such bridge and approaches.

Section 37.

FOURTH SCHEDULE.

Part I.

Matters in Relation to which Regulations shall be made and Effect to be Secured Thereby.

Paragraph 1. As to resolutions to prepare or adopt a scheme :—

(i) that the area of the proposed scheme is defined by reference to a map showing by means of boundary lines the area of the land to which the resolution applies and indicating the land in the area which is already built upon;

(ii) that notice by advertisement is given of the passing of the resolution and of facilities for inspection of the map, and for making suggestions for the inclusion or exclusion of land in or from the area of the proposed scheme;

(iii) that suggestions made within the time specified in the notice are taken into consideration by the local authority or joint committee, and if not accepted by them or withdrawn are taken into consideration by the Minister.

Paragraph 2. As to preliminary statements of proposals for development in cases where such a statement is submitted :—

(i) that a draft statement is formulated to include such particulars of the proposed development as may be prescribed and is illustrated by a map which shall

4th Sch. —*cont.*

indicate, so far as is practicable, the proposals for development;

(ii) that notice by advertisement is given of facilities for inspection of the draft and map and for making objections to the draft;

(iii) that objections made within the time specified in the notice are taken into consideration by the local authority or joint committee and, if not met or withdrawn, are taken into consideration by the Minister;

(iv) that the statement is not submitted to the Minister before the expiration of three months from the date when the service of notices of the taking effect of the resolution to prepare the scheme has been completed, and that the time within which the statement may be submitted is limited to a period not exceeding eighteen months from the date when the resolution took effect, with power for the Minister to extend that period where he is satisfied that there are special circumstances warranting an extension of the period;

(v) that the Minister may hold a local inquiry as to objections;

(vi) that notice by advertisement is given of the approval by the Minister of the statement.

Paragraph 3. As to the preparation or adoption of schemes:—

(i) that a draft scheme is formulated and is illustrated by a map showing so far as practicable particulars and details of the scheme and in particular proposed new roads or widening of existing roads;

(ii) that notice by advertisement is given of facilities for inspection of the draft and map and for making representations and objections as to the draft;

(iii) that representations and objections made within the period specified in the notice are taken into consideration by the local authority or joint committee.

Paragraph 4. As to the submission of schemes to the Minister and consideration and approval thereof by him:—

(i) that the time within which the scheme is to be submitted is limited to a period not exceeding, where a preliminary statement has been approved by the Minister, eighteen months from the date of approval and not exceeding, in any other case, three years from the date when the resolution to prepare or adopt a scheme took effect, with power for the Minister to extend these periods, respectively, where he is satisfied that there are special circumstances warranting an extension of period;

4TH SCH. —*cont.*

(ii) that notice by advertisement is given of the submission of the scheme and of facilities for inspection of the scheme and map and for making objections to the scheme;

(iii) that objections to the scheme made within the time specified in the notice are taken into consideration by the Minister;

(iv) that a local inquiry as to the scheme is held by the Minister where any objections taken into consideration by him are not met or withdrawn;

(v) that if the Minister proposes to modify the scheme a copy of the scheme as proposed to be modified is furnished to the local authority or joint committee and notice by advertisement is given by the local authority or joint committee of the intention of the Minister to approve the scheme with modifications and of facilities for inspection of the scheme and map and for making objections to the scheme as intended to be approved;

(vi) that objections to any proposed modifications of the scheme made within the time specified in the notice are taken into consideration by the Minister.

Paragraph 5. As to procedure generally in relation to the matters aforesaid :—

(i) that co-operation with persons interested in land proposed to be included in a scheme or order is secured;

(ii) that full information as to any proposal to prepare or adopt a scheme or order is given to the council of the county in which any land proposed to be included in the scheme or order is situate and to any other council concerned;

(iii) that where a resolution to prepare a scheme has taken effect the council of the county in which any land to which the resolution applies is situate are consulted with respect to the preparation of the scheme, unless the scheme is to be prepared by a joint committee of whom the county council are a constituent authority;

(iv) that where under the foregoing provisions of this Schedule provision is required to be made by regulation for notice of facilities for inspection of any document, provision is made for access to be had thereto at all reasonable hours and without payment of a fee, and for the inclusion in the notice of particulars of the time and place at which such access may be had;

(v) that where provision is required to be made as aforesaid for notice by advertisement of any document, the advertisement is published at least once during each of two successive weeks with an interval between each publication of at least six clear days in a newspaper circulating in the area to which the document relates;

4th Sch. —*cont.*

(vi) that where provision is required to be made as aforesaid for notice by advertisement of facilities for making suggestions, representations, or objections as to any matter, the time for the making thereof is not limited, in the case of suggestions as to the inclusion or exclusion of land in or from a scheme, to less than fourteen days from the date of the second publication of the advertisement or, in any other case, to less than twenty-one days from that date.

Part II.

As to the preparation, adoption, submission, and approval of schemes varying or revoking a previous scheme, of supplementary schemes, and supplementary orders, and of general development orders—

The provisions of paragraph 3, of sub-paragraphs (ii), (iii), (iv), (v), and (vi) of paragraph 4, and of paragraph 5 of Part I. of this Schedule shall apply in relation to the matters stated in the heading of this paragraph, provided that the regulations may reserve power to the Minister to dispense with or modify all or any of the provisions aforesaid subject to such conditions, if any, as he may impose, in any case in which, having regard to the nature of the matters dealt with in the scheme or order, he is satisfied that there is reasonable cause for the dispensation or modification, and that no person will be prejudiced thereby.

FIFTH SCHEDULE.

Section 54.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 16.	The Town Planning Act, 1925.	The whole Act.
17 & 18 Geo. 5. c. 23.	The Crown Lands Act, 1927.	Section twelve.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	Sections forty to forty-five.

Section 57.

SIXTH SCHEDULE.

Adaptations and Modifications of this Act in its Application to Scotland.

1. In the title, after the word “land,” wherever it occurs, the words “in Scotland” shall be inserted.

2. Throughout this Act for the expressions set out in the first column of the following table there shall be substituted the expressions set out in the second column of that table:—

“Minister”	“Department.”
“Minister of Agriculture and Fisheries.”	“Department of Agriculture for Scotland.”
“Town Planning Act, 1925”	“Town Planning (Scotland) Act, 1925.”
“Housing Act, 1925”	“Housing (Scotland) Act, 1925.”
“Allotments Act, 1922”	“Allotments (Scotland) Act, 1922.”
“Public Health Act, 1875”	“Public Health (Scotland) Act, 1897.”
“Public Health Acts, 1875 to 1926”	
“Local Loans Act, 1875”	“Local Authorities' Loans (Scotland) Acts, 1891 and 1893.”
“Local Government Act, 1929”	“Local Government (Scotland) Act, 1929.”
“High Court”	“Court of Session.”
“Court of Appeal”	
“A court of summary jurisdiction”	“The sheriff.”
“The court of summary jurisdiction”	
“London Gazette”	“Edinburgh Gazette.”
“Arbitrator”	“Arbiter.”
“Defendant”	“Defender.”

3. There shall be omitted the words “or county councils” in subsection (1) of section three, and in subsection (1) of section four; the words “or county council” in subsection (1) of section fourteen; the words “or a county council” in subsection (2) of section eleven, in subsection (2) of section twenty-three, in subsection (2) of section thirty-four, and in subsection (1) of section forty-eight; the words “a county council” where they first occur in subsection (2) of section thirty-four; and the word “council” in subsection (1) of section twenty-two.

4. The sections and schedules specified in the first column of the following table shall be adapted and modified in manner specified in the second column of that table :—

Section.	Adaptations and Modifications.
S. 2	For the section the following section shall be substituted :— "2.—(1) Subject to the provisions of this section the local authority for the purposes of this Act shall be, in the case of a large burgh, the town council thereof, and in the case of a county (including any small burghs therein) the county council, or, if the county is in combination with another county for the purposes mentioned in subsection (7) of section ten of the Local Government (Scotland) Act, 1929, the joint county council of the combined county; and the district of the local authority shall be the burgh or the county or the combined county, as the case may be. "(2) Where upon consideration of a representation by the town council of a small burgh the Department, after consultation with the county council, are of opinion that it is expedient that the town council should have power to prepare a scheme with respect to any land within the burgh the Department may, by order, transfer to the town council any of the powers and duties of the county council under this Act with respect to such land, and, where any power or duty has been so transferred, any reference in this Act to a local authority (other than in section forty-nine) shall, in relation to that power or duty, be construed as a reference to the town council. "(3) The Department may at any time revoke, vary, or amend any order made by them under this section. "(4) Any order made under this section may contain such incidental supplementary and consequential provisions as appear necessary for the purpose of the order."
S. 3	Subsection (7) shall be omitted.
S. 5	In subsection (1) there shall be omitted, paragraph (*a*), the words "or (*b*)," the words "in the case of a local authority" and the words "council or" wherever they occur; in subsection (2) the words "county

6th Sch. —*cont.*

Section. — Adaptations and Modifications.

council or" shall be omitted and for the words "subsections (2) to (7)" there shall be substituted the words "subsections (2) to (6)."

S. 7 - In subsection (1) for the words from "serve in the prescribed manner" to the end of the subsection there shall be substituted the words "serve in the "prescribed manner a like notice on the owner "(according to the valuation roll) of every land "and heritage to which the resolution applies.

"In this subsection the expression 'the valuation "roll' means the valuation roll for the year "current at the time when the notice is given, or, "if the notice is given after the fifteenth day of "May and before the first day of October in "any year, the valuation roll for the preceding "year"; in subsection (2) for paragraph (*c*) there shall be substituted the following paragraph:—

"(*c*) in the case of a notice to be served on an owner, a direction that the recipient of the notice will, if he is not at the time the owner of the property, transmit it to the owner";

and subsection (3) shall be omitted.

S. 11 - At the end of subsection (2) there shall be added the words "or (*c*) in the case of a scheme which "applies to land within a small burgh, specify "the town council of the burgh as the responsible "authority for all or certain purposes of the "scheme as respects such land or part thereof."

S. 12 - In paragraph (*d*) of subsection (1) for the word "tenements" there shall be substituted the word "tenancies."

S. 13 - In subsection (4) for the words "by written notice served on the clerk of the court and the authority" there shall be substituted the words "by giving notice of appeal," and the words "for the petty ses-"sional division or place within which the property "to which the notice relates is situated" shall be omitted; and in subsection (5) for the words "court by whom an order is made under this "subsection may, if they think fit, direct that the "order" there shall be substituted the words "sheriff may, if he thinks fit, direct that an order "made by him under this subsection."

At the end of subsection (5) there shall be added the words "The sheriff shall make such order in regard

Section.	Adaptations and Modifications.
	"to the expenses of an appeal under subsection (4) "of this section as he may think proper."
S. 17 -	In subsection (1) for the words "the council of any "county borough or county district" there shall be substituted the words "the local authority of any "district," the words "or, as respects a building in "such a county district, the council of the county "comprising that district" shall be omitted, and for the words "of that council" there shall be substituted the words "of the local authority"; and in subsections (3) and (5) for the word "council" wherever it occurs there shall be substituted the words "local authority."
S. 18 -	For the word "council" there shall be substituted the words "local authority."
S. 21 -	In subsection (5) for the words "real or personal" there shall be substituted the words "heritable or "moveable"; in the proviso to subsection (8) for the words "where a disposition is by way of lease "or tenancy agreement" there shall be substituted the words "a claim made on the granting "of a lease or tack which is" and the words "the claim" shall be omitted; and for subsection (11) there shall be substituted the following subsection:—"(11) In this section the "expression 'disposition' means a disposition by "way of feu or sale (including a sale in consideration of a ground annual or other similar "periodical payment) or the grant of a lease or "tack for a period of not less than three years, "and references to the person who gives a notice "under subsection (1) of this section shall, where "the property to which the notice relates has, "since the notice was given, been the subject of "transmission otherwise than by disposition, be "construed as references to the person to whom "the property was last so transmitted before the "date on which a disposition takes effect or a "change of use takes place."
S. 25 -	In subsection (1) for the words "for the purposes of those Acts" there shall be substituted the words "having power to acquire land for the purposes of "that Act" and for the words "repairable by the inhabitants at large" there shall be substituted the words "maintainable at the public expense."

6th Sch.—*cont.*

Section. — Adaptations and Modifications.

S. 26 - For the words "the common council of the city of "London or the council of any county, county "borough or county district," there shall be substituted the words "the town council of any burgh or any county council."

S. 27 - In subsection (1) for the words "declaring the street "to be a highway repairable by the inhabitants at "large" there shall be substituted the words "taking over the road or street as a highway "maintainable at the public expense"; and in subsection (2) the words "and providing proper means of lighting therefor" shall be omitted.

S. 29 - The section shall be omitted.

S. 30 - For the section there shall be substituted the following section:—

> "30. It shall be lawful for the town council of any burgh or any county council to contribute towards the expenses incurred by any authority in or in connection with matters preliminary to the preparation of a scheme or in or in connection with the preparation or carrying into execution of a scheme whether made under this Act or any Act repealed by this Act."

S. 32 - For the words from "in such manner" to the end of the section there shall be substituted the words "either in the repayment of debt or for any other "purpose for which capital money may be properly "applied."

S. 34 - In subsection (1) for the words from "and shall have power" to the end of the subsection there shall be substituted the words "and if the agreement shall "have been recorded in the appropriate register "of sasines, it shall be enforceable at the instance "of the authority against persons deriving title "to the land from the person with whom it was "entered into:

"Provided that no such agreement shall at any "time be enforceable against a third party who "shall have in bonâ fide onerously acquired right "(whether completed by infeftment or not) to "the land prior to the agreement being recorded "as aforesaid or against any person deriving title "from such third party."

6th Sch. —*cont.*

Section.	Adaptations and Modifications.
S. 35 -	In subsection (7) for the words "includes a county council" there shall be substituted the words "means the town council of any burgh or any "county council."
S. 36 -	In subsection (2) the words from "or in the case of" to the end of the subsection shall be omitted, and in subsection (4) for the words from "the Minister may by order" to the end of the subsection there shall be substituted the words "the "Department may, if they think fit, themselves "act in the place and at the expense of the authority or may, with the approval of the Lord "Advocate, apply by summary petition to either "division of the Court of Session or during vacation "or recess to the Lord Ordinary on the Bills for "an order on the authority to do all things necessary for remedying their default and for carrying "into execution the scheme: and such division "or Lord Ordinary are hereby authorised and "directed to do in such petition and to dispose "of the expenses of the proceedings as to the said "division or Lord Ordinary shall appear to be "just" Subsection (8) shall be omitted.
S. 38 -	Subsection (3) shall be omitted.
S. 39 -	For the section there shall be substituted the following section:— "*Stated case to Court of Session.*—39. Where under the provisions of a scheme an appeal is submitted to the Department, the Department may, on the application of any party to the appeal at any stage of the proceedings, and shall, if so directed by either division of the Court of Session, state a case on any question of law arising in the appeal for the opinion of either division of the Court of Session, and the procedure in the stated case shall be such as may be prescribed by Act of Sederunt: and the provisions of any scheme made before the commencement of this Act under which an appeal on any question of law shall lie to the Court of Session against a decision of the Department shall cease to have effect."
S. 40 -	For subsection (4) there shall be substituted the following subsection:—"(4) A determination of the "Department or of an arbiter under this section "shall be final."

Section.	Adaptations and Modifications.
S. 41 -	In the proviso to subsection (1) for the words from "any Government department" to the end of the subsection there shall be substituted the words "any other Government department are concerned "with the functions of the undertakers, consult "with that department and shall, if the under-"takers whose consent is sought so desire, afford "them an opportunity of appearing before and "being heard by one or more persons appointed "for the purpose by the Department and the "other Government department concerned acting "jointly."
S. 47 -	In subsection (2) for the words "by written notice served on the clerk of the court and the authority" there shall be substituted the words "by giving notice of appeal," and the words "for the petty "sessional division or place comprising the land "on which the advertisement or hoarding is "displayed or set up" shall be omitted; and in subsections (3) and (4) for the word "court," wherever it occurs, there shall be substituted the word "sheriff."
S. 48 -	In subsection (1) the words "or of relinquishing in "favour of the council of the county any of their "powers and duties under this Act" shall be omitted; and in subsection (2) the word "local" shall be substituted for the word "appointing" wherever it occurs.
S. 49 -	For the section the following section shall be substituted:— "49.—(1) Any expenses incurred by a local authority under this Act shall be defrayed as if they were expenses incurred by the authority under the Public Health (Scotland) Act, 1897: Provided that, where expenses incurred by the town council of a small burgh under this Act are included in the sum for which a rate is levied by the council, the amount of the contribution payable by the town council on account of the expenditure of the county council under this Act shall be only such sum, if any, as will together with the amount of the aforesaid expenses of the town council amount to the

Section. — Adaptations and Modifications.

sum which the town council would have been required to contribute if such expenses of the town council had been included in the expenditure of the county council under this Act.

(2) A local authority may borrow for the purposes of this Act in accordance with the provisions of section twenty-three of the Local Government (Scotland) Act, 1929."

S. 50 - For the section the following section shall be substituted :—

"*Expenses of town councils of small burghs and of county councils not being local authorities under this Act.*—50. Any expenses incurred under this Act by the town council of a small burgh or by a county council who are not a local authority within the meaning of this Act, shall be defrayed out of such rate payable by owners and occupiers in equal shares as the council may determine and such council may borrow for any of the purposes of this Act."

S. 51 - In subsection (1) the word "relinquishment" shall be omitted, and in subsection (2) the word "relinquished" and the word "relinquishment" wherever it occurs shall be omitted.

For subsection (3) the following subsection shall be substituted :—

"(3) The provisions of the Second Schedule to the Rating (Scotland) Act, 1926, and of paragraph (i) of subsection (1) of section seven of the Local Government (Scotland) Act, 1929, shall apply in relation to claims for compensation under this Act as they apply in relation to claims for compensation under those Acts subject to such modifications as the Secretary of State may by order provide for the purpose of adapting those provisions to cases arising under this Act."

S. 53 - For the definition of "owner" there shall be substituted the following definition :—

"'Owner' includes any person who under the Lands Clauses Acts would be enabled to sell and convey land to the promoters of an undertaking."

6th Sch. —*cont.*

Section. Adaptations and Modifications.

After the definition of "development" there shall be inserted the following definitions:—

"'Department' means the Department of Health for Scotland."

"'Large burgh' and 'small burgh' have the respective meanings assigned to them in the Local Government (Scotland) Act, 1929."

The definitions of "district" and "road" shall be omitted.

S. 54 - Paragraph (*e*) of the proviso to subsection (1) shall be omitted.

S. 55 - For the section the following section shall be substituted—

"*Department to have regard to powers of Dean of Guild Court.*—55. In approving any scheme, or exercising or performing any other powers or duties under this Act, the Department shall have regard to the powers and jurisdiction of the dean of guild court in burghs."

S. 56 - The section shall be omitted.

S. 58 - For the section there shall be substituted the following section:—

"*Short title and commencement.*—58. This Act may be cited as the Town and Country Planning (Scotland) Act, 1932, and, except as otherwise expressly provided, shall come into operation on the first day of April nineteen hundred and thirty-three."

Sch. I. - For sub-paragraphs (2) (*a*), (*b*), and (*d*) of paragraph 2 of Part I. there shall be substituted respectively the following paragraphs:—

"(*a*) subsection (1) of section thirty-two of the Public Health (Scotland) Act, 1897;

(*b*) section one hundred and fifty-eight of the Burgh Police (Scotland) Act, 1892, as extended by subsection (2) (*h*) of section one hundred and four of the Burgh Police (Scotland) Act, 1903;

(*d*) section five of the Roads Improvement Act, 1925, as applied to Scotland by section twelve of that Act;"

and sub-paragraph (2) (*c*) shall be omitted.

In paragraph 2 of Part II., and in paragraph 2 of Part III., after the words "for the purpose," there shall be inserted the words "by summary petition."

6th Sch.
—*cont.*

Section.	Adaptations and Modifications.
Sch. II.	In paragraph 1 for the word “churchways” there shall be substituted the words “kirk roads,” in paragraph 11 for the word “easements,” there shall be substituted the word “servitudes” in paragraph 16 for the words “real or personal” there shall be substituted the words “heritable or moveable,” and the words from “and for the exemption” to the end of the paragraph shall be omitted, and in paragraph 18 for the words “recovery thereof in a court of summary jurisdiction” there shall be substituted the words “recovery thereof by summary proceedings before the sheriff.”
Sch. III.	In paragraph 1 of Part I. for the words “sections ninety-two and one hundred and “twenty-seven to one hundred and thirty-two of “the Lands Clauses Consolidation Act, 1845” and the words “sections seventy-seven to eighty-“five of the Railways Clauses Consolidation Act, “1845” there shall be substituted respectively the words “sections ninety and one hundred and “twenty to one hundred and twenty-five of the “Lands Clauses Consolidation (Scotland) Act, “1845”, and the words “sections seventy to “seventy-eight of the Railways Clauses Con-“solidation (Scotland) Act, 1845”; in paragraph 3 of the said Part I. the word “and” shall be inserted at the end of sub-paragraph (ii) and sub-paragraph (iv) (together with the word “and” preceding it) shall be omitted. In the proviso to paragraph 2 of Part II. for the words “any Government department,” to the end of the paragraph, there shall be substituted the words “any other Government department “are concerned with the functions of the under-“takers, consult with that department and shall, “if the undertakers so desire, afford them an “opportunity of appearing before and being “heard by one or more persons appointed for the “purpose by the Department and the other “Government department concerned acting “jointly.” In paragraph 3 of Part II. for the words “section one hundred and twenty-eight of the “Lands Clauses Consolidation Act, 1845,” there shall be substituted the words “section one

6th Sch. —*cont.*

Section. | Adaptations and Modifications.

" hundred and twenty-one of the Lands Clauses " Consolidation (Scotland) Act, 1845."

For sub-paragraph (iv) of paragraph 4 of Part II there shall be substituted the following sub-paragraph :—" (iv) For the purposes of this Part of " this Schedule the expression 'common' includes " any town or village green; and the expression " 'open space' means any land laid out as a public " garden or used for the purposes of public recrea- " tion and any disused burial ground ; and for " the purposes of paragraph 2 of this Part of this " Schedule the expression 'highway' shall not " include a bridge by which a highway is carried over " or under any railway, canal or navigable water, " or the approaches to any such bridge, or the road " carried by any such bridge and approaches."

Sch. IV. For sub-paragraphs (ii) and (iii) of paragraph 5 there shall be substituted the following sub-paragraphs :—

" (ii) that full information as to any proposal to prepare or adopt a scheme or order is given to the local authority of any district and to the town council of any small burgh in which land proposed to be included in the scheme or order is situate, or which such land immediately adjoins;

(iii) that where a resolution to prepare a scheme for land which is wholly or partly within a small burgh has taken effect, the town council, unless the resolution was passed by that council, are consulted with respect to the preparation of the scheme."

Sch. V. For the Schedule there shall be substituted the following Schedule :—

" FIFTH SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 17.	The Town Planning (Scotland) Act, 1925.	The whole Act.
17 & 18 Geo. 5. c. 23.	The Crown Lands Act, 1927 -	Section twelve.

5. Where any pronoun or verb is used in relation to an expression in the singular or the plural for which an expression in the plural or the singular, as the case may be, is directed by the foregoing provisions of this Schedule to be substituted, the plural of the pronoun or verb shall be substituted for the singular or the singular for the plural, as the case may be. 6th Sch. —*cont.*

6. Where any section, or any subsection or paragraph of a section or Schedule, is by this Schedule or by section fifty-seven of this Act directed to be omitted, any subsequent sections or any subsequent subsections or paragraphs in the section or Schedule shall be renumbered to run consecutively, and references in this Act to any section, subsection or paragraph so renumbered shall be amended accordingly."

CHAPTER 49.

An Act to authorise the making of schemes with respect to the development and planning of land in Scotland, whether urban or rural, and in that connection to repeal and re-enact with amendments the enactments relating to town planning; to provide for the protection of rural amenities and the preservation of buildings and other objects of interest or beauty; to facilitate the acquisition of land in Scotland for garden cities; and to make other provision in connection with the matters aforesaid.

[12th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Scope of Planning Schemes.

1. A scheme may be made under this Act with respect to any land, whether there are or are not buildings thereon, with the general object of controlling the development of the land comprised in the area to which the scheme applies, of securing proper sanitary conditions, amenity and convenience, and of preserving existing buildings or other objects of architectural, Scope of planning schemes.

historic or artistic interest and places of natural interest or beauty, and generally of protecting existing amenities whether in urban or rural portions of the area.

Authorities.

Local authority for purposes of Act.

2.—(1) Subject to the provisions of this section, the local authority for the purposes of this Act shall be, in the case of a large burgh, the town council thereof, and in the case of a county (including any small burghs therein) the county council, or, if the county is in combination with another county for the purposes mentioned in subsection (7) of section ten of the Local Government (Scotland) Act, 1929, the joint county council of the combined county; and the district of the local authority shall be the burgh or the county or the combined county, as the case may be.

19 & 20 Geo. 5. c. 25.

(2) Where, upon consideration of a representation by the town council of a small burgh, the Department, after consultation with the county council, are of opinion that it is expedient that the town council should have power to prepare a scheme with respect to any land within the burgh, the Department may, by order, transfer to the town council any of the powers and duties of the county council under this Act with respect to such land, and, where any power or duty has been so transferred, any reference in this Act to a local authority (other than in section forty-eight) shall, in relation to that power or duty, be construed as a reference to the town council.

(3) The Department may at any time revoke, vary, or amend any order made by them under this section.

(4) Any order made under this section may contain such incidental supplementary and consequential provisions as appear necessary for the purpose of the order.

Appointment of joint committees.

3.—(1) Where two or more authorities, being local authorities, are desirous of acting jointly in the preparation or adoption of a scheme, they may concur in appointing a joint committee for the purpose and in delegating, with or without restrictions, to that committee any powers, other than the power to borrow money or levy a rate, which any of the constituent authorities might exercise for the purpose, and in imposing on that committee any duties which any of the constituent authorities are required to discharge for the purpose.

(2) Every person appointed to represent a constituent authority on a joint committee must be a member of one at least of the constituent authorities, but the same person may be appointed to represent two or more of those authorities.

(3) A constituent authority may appoint their representative on a joint committee to serve as such for so long as he holds office as a member of any one of the constituent authorities, or for any shorter period.

(4) A joint committee may, with the consent of a majority of the constituent authorities, co-opt persons, whether members of a constituent authority or not, to serve as additional members of the committee, so, however, that at least three-fourths of the members of the joint committee shall be persons who are appointed members of that committee.

(5) A joint committee may appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee think fit, so, however, that at least three-fourths of the members of a sub-committee shall be persons who are appointed members of the joint committee.

(6) The expenses of a joint committee shall be defrayed by the constituent authorities, or some or one of them, as they may agree, and if any question arises as to the authorities or authority by whom, or the proportions in which, any such expenses are to be defrayed, that question shall be determined by the Department.

Combination of authorities for purposes of schemes.

4.—(1) If it appears to the Department to be expedient that two or more authorities, being local authorities, should act jointly in the preparation or adoption of a scheme, they may, at the request of any one or more of them, by order provide for the constitution of a joint committee for the purpose and transfer to the committee any powers, other than the power to borrow money or levy a rate, and duties which any of the constituent authorities might exercise and discharge for the purpose:

Provided that, before making any such order, the Department shall, unless all the authorities affected thereby assent to the making thereof, cause a local inquiry to be held.

(2) An order under this section may provide for the application, with any necessary modifications,

to the committee thereby constituted of any of the provisions of the last preceding section, and may, if it appears to the Department to be necessary, provide for the dissolution of any joint committee constituted under the foregoing provisions of this Act or any repealed enactment relating to town planning.

Power to alter constitution of joint committees.

5.—(1) Where a joint committee have been appointed, whether under section three or section four of this Act or under any repealed enactment relating to town planning, any local authority whose district adjoins the district of any of the constituent authorities shall at any time, if they desire to be represented on the joint committee and, if the Department consider that they ought to be so represented, be entitled to appoint such number of additional members of the committee and shall delegate to the committee such powers, other than the power to borrow money or levy a rate, and duties as may be agreed with the joint committee or, failing agreement, may be determined by the Department, and if at any time it appears to the Department to be expedient that any such local authority as aforesaid who have not claimed to be represented on the joint committee should be so represented, they may by order make such alteration in the constitution of the committee and transfer to the committee such of the powers, other than as aforesaid, and duties of the said local authority as they think fit.

(2) A local authority who by virtue of this section become represented on a joint committee shall for the purposes of subsections (2) to (6) of section three of this Act be deemed to be a constituent authority, but the alteration so made in the constitution of the committee shall not affect the identity of the committee, the validity of any previous proceedings thereof or the validity of any resolution previously passed by any of the constituent authorities.

Procedure with respect to Schemes.

Preparation or adoption of schemes.

6.—(1) Subject to the provisions of this section, a local authority or a joint committee duly authorised in that behalf may, by resolution, decide—

(*a*) to prepare a scheme with respect to any land within, or in the neighbourhood of, the district of the authority or, as the case may be, the districts of the constituent authorities; or

(*b*) to adopt, with or without modifications, a scheme proposed by all or any of the owners of any such land.

(2) A resolution passed under the foregoing subsection shall not take effect unless and until it is approved by the Department, and the Department in giving their approval may vary the extent of the land to be included in the area to which the resolution is to apply, but the Department shall not approve any such resolution unless they are satisfied—

(*a*) in the case of any land already built upon, that public improvements are likely to be made, or other development is likely to take place, within such a period of time and on such a scale as to make the inclusion of the land in a scheme expedient, or that the land comprises buildings or other objects of architectural, historic, or artistic interest, or that the land is so situate that the general object of the scheme would be better secured by its inclusion;

(*b*) in the case of land which is neither already built upon nor in course of development, nor likely to be developed, that the land is so situated in relation to land which is already built upon, or in course of development, or on which development is likely to take place, as to make its inclusion in a scheme expedient, or that it comprises objects or places of natural interest or beauty:

Provided that nothing contained in this subsection shall prevent the Department from approving a resolution adopting a scheme comprising land in respect of which they are not satisfied that the conditions specified in this subsection are complied with, if the scheme has been proposed by the owners of not less than two-thirds of that land and approved by not less than three-fourths of the owners of that land.

(3) A local authority or joint committee, before passing a resolution which will apply to—

(i) any land not within the district or, as the case may be, districts aforesaid; or

(ii) any land to which either a resolution to prepare or adopt a scheme, or a scheme, being a resolution or scheme passed or made by another authority or committee, applies,

shall consult with every authority or committee who will be affected thereby.

(4) A resolution of a local authority or joint committee to prepare a scheme may be revoked, either as to the whole or any part of the area to which it applies, by a subsequent resolution of the authority or committee, or, if the Department think that in the special circumstances of the case the resolution should be so revoked, by order of the Department:

Provided that—

(*a*) a resolution under this subsection shall require the approval of the Department, and the Department may refuse to approve it except subject to such conditions as they think fit to impose; and

(*b*) before making an order under this subsection the Department shall inform the authority or committee, as the case may be, of the order which they propose to make and, if within twenty-eight days the authority or committee request them so to do, shall cause a local inquiry to be held into the matter.

(5) In giving their approval to a resolution under the last foregoing subsection, and in making an order thereunder, the Department shall by the imposition of conditions or, as the case may be, by the terms of their order secure that—

(i) any person whose property has been injuriously affected by reason that since the commencement of this Act the Department have refused, on an appeal made to them under an interim development order, to grant an application for permission to develop the property, or that the Department have imposed any conditions on the grant of an application made since that date; and

(ii) any person who, for the purpose of complying with any conditions imposed on the grant of such an application, has since the commencement of this Act incurred expenditure which is rendered abortive by the revocation of the resolution to prepare a scheme,

shall be entitled, if he makes a claim for the purpose within twelve months from the date when the resolution is approved or the order is made, as the case may be, to claim compensation from such authority as may be specified in the condition or order :

Provided that the Department shall not secure a right to compensation in respect of any injurious affection of property arising from refusal to permit any development, or from the imposition of any conditions, where they are satisfied that, if a scheme had come into operation containing provisions which would have had the effect of prohibiting that development, or under which those conditions could have been enforced, no right to compensation would have arisen under this Act in respect of the injurious affection of the property by the coming into operation of those provisions.

(6) Where a resolution or resolutions to prepare a scheme or schemes has or have taken effect, the local authority or joint committee who passed the resolution or resolutions may prepare one scheme for dealing with the area to which the resolution applies or with the aggregate area to which the resolutions apply, as the case may be, or, if they think fit, may prepare different schemes for dealing with different parts of that area or aggregate area.

(7) Where under the last foregoing subsection a local authority or joint committee have power to prepare a scheme for any area, they may decide in lieu of proceeding with the preparation of a scheme to adopt, with or without modifications, a scheme for that area or any part thereof proposed by all or any of the owners of land in that area or part thereof. A decision under this subsection shall not be deemed for the purposes of this Act to be a resolution to adopt a scheme, but as from the date of the decision the resolution or resolutions to prepare a scheme or schemes shall, so far as concerns the area or part of an area to which the decision relates, have effect as

if the resolution or resolutions had been for the adoption of a scheme.

(8) The foregoing provisions of this section shall not apply in the case of a resolution to prepare a scheme varying an existing scheme or to prepare a supplementary scheme as defined by this Act.

Notices in relation to the making of, or under, schemes.

7.—(1) Where a resolution to prepare or adopt a scheme has taken effect, the local authority or joint committee who passed the resolution shall within the period specified in the next succeeding subsection—

(*a*) publish a notice of the resolution in the Edinburgh Gazette and at least once during each of two successive weeks, with an interval between each publication of at least six clear days, in a local newspaper; and

(*b*) serve in the prescribed manner a like notice on the owner (according to the valuation roll) of every land and heritage to which the resolution applies.

In this subsection the expression "the valuation roll" means the valuation roll for the year current at the time when the notice is given, or, if the notice is given after the fifteenth day of May and before the first day of October in any year, the valuation roll for the preceding year.

(2) A notice required by the last preceding subsection to be published and served in the manner therein mentioned shall be published in the Edinburgh Gazette and once at least in a local newspaper within fourteen days, and be served within six months, after the date when the resolution takes effect, and shall contain—

(*a*) a concise statement of the effect of the resolution, together with information as to the place and times at which a map defining the area to which the resolution applies may be inspected; and

(*b*) a statement as to the right of persons concerned to have their names and addresses registered for the purpose of the service of subsequent notices; and

(*c*) in the case of a notice to be served on an owner, a direction that the recipient of the notice will, if he is not at the time the owner of the property, transmit it to the owner.

(3) For facilitating the service of subsequent notices, the local authority or joint committee by whom the resolution to prepare or adopt a scheme was passed shall compile a register of names and addresses in accordance with the provisions hereafter in this section contained.

(4) Until the coming into operation of the scheme it shall be the duty of the authority by whom the register was compiled to keep and maintain the register, and after the coming into operation of the scheme it shall be kept and maintained by such authority as may be provided in the scheme, and the scheme may provide for different portions of the register being kept and maintained by different authorities and for all authorities concerned having reasonable access to any part of the register, and shall contain such provisions with respect to the keeping and maintenance of the register as appear to be necessary, including provisions for securing that information as to the custody of the register, or the different portions thereof, is given to persons concerned.

(5) Any person who is, or claims to be, an owner of any property in the area to which the resolution applies, and any association representing owners of property within the district of the local authority or the districts of the local authorities represented on the joint committee by whom the resolution was passed, and any local association representing business or industry, may from time to time by notice in writing, specifying in the case of an owner the property of which he claims to be the owner, require the local authority or committee who for the time being have charge of the register, or of the appropriate portion thereof, to register his or their name and address free of charge, in the case of an owner, in respect of the property specified in the notice and, in the case of an association, in respect of the district of the local authority or the districts of the local authorities represented on the joint committee by whom the resolution was passed.

An authority or committee shall comply with any notice given to them under this subsection, and shall inform the person or association concerned that his or their name and address have been duly registered.

(6) Where by virtue of this Act or any regulation made thereunder a public notice is required to be given of any thing done or proposed to be done, or of any action

taken or proposed to be taken, by a local authority, joint committee, or responsible authority, or the Department, under the resolution, or under or by virtue of any scheme made in pursuance thereof, a copy of the notice shall be served on every person whose name and address appear in the register in respect of any property which will be affected, and on every association whose name and address appear in the register, and, if any subsequent resolution for the preparation or adoption of a scheme is passed by the local authority or joint committee who passed the original resolution, or by any authority represented on that committee and is approved by the Department, notice of the resolution shall be given to every association whose name and address appear in the register:

Provided that—

(*a*) at any time after the expiration of three years from the time when a request for registration or re-registration was last made by any person or association, the authority having charge of the register or of the relevant portion thereof may, by notice in writing, require that person or association to state within a period of one month whether he or they desire that his or their name and address shall be registered afresh, and unless within the said period a request for re-registration is duly made, the said authority may remove the name of that person or association from the register; and

(*b*) the authority may at any time, with the consent of any person or association, remove the name of that person or association from the register.

(7) The provisions of this section—

(*a*) shall not apply in relation to the service of any notice relating to the compulsory acquisition of land under this Act; and

(*b*) shall apply in relation to the service of notices in connection with a resolution to prepare or adopt a supplementary scheme under this Act or a scheme varying an existing scheme to such extent only, and subject to such modifications, if any, as may be prescribed.

Approval, validity, coming into effect, variation and revocation of schemes.

8.—(1) A scheme prepared or adopted by a local authority or joint committee shall require the approval of the Department, and the Department may approve any scheme either with or without modifications:

Provided that—

(i) where the resolution passed by the local authority or joint committee in pursuance of section six of this Act was a resolution to prepare a scheme, the draft scheme prepared in pursuance of the resolution shall, before submission to the Department, be adopted by resolution of the local authority or joint committee at a meeting of which special notice indicating the business to be transacted has been given to each member; and

(ii) before making any modifications in a scheme, the Department shall inform the local authority or joint committee, as the case may be, of the modifications which they propose to make, and shall cause a local inquiry to be held into the matter if within twenty-eight days the local authority or joint committee request them so to do.

(2) The provisions of Parts I and II of the First Schedule to this Act shall have effect with respect to the laying of schemes before Parliament, the validity of schemes, and the dates on which schemes are to come into operation.

(3) A scheme may be varied, otherwise than by way of extension of the area to which the scheme applies, or may be revoked, by a subsequent scheme prepared, or adopted, and approved in accordance with this Act and any regulations made thereunder.

(4) The Department, on an application made in accordance with the provisions of the next succeeding subsection, may, if they think that in the special circumstances of the case a scheme ought to be varied or revoked, themselves make a scheme varying or revoking that scheme:

Provided that the Department shall not make any variation in a scheme unless they are satisfied that it will not involve substantial additional expenditure by any responsible authority under the scheme who object to the variation being made.

A scheme made by the Department under this subsection shall, for the purposes of this Act, be deemed to have been prepared or adopted by such authority or committee as may be specified in the scheme.

(5) An application to the Department under this section may be made by any authority who are a responsible authority for any purposes of the scheme which it is proposed to vary or revoke, or by any joint committee appointed for the purpose of preparing a scheme in respect of an area comprising land to which the first mentioned scheme applies, or by any other authority or person who appear or appears to the Department to be concerned.

Supplementary schemes for areas comprised in regional schemes.

9.—(1) In any case where a regional scheme is in operation, any local authority or joint committee may by resolution decide to prepare a scheme with respect to any land to which the regional scheme applies, being land in, or in the neighbourhood of, the district of the local authority or, as the case may be, the districts of any of the constituent authorities, or to adopt, with or without modifications, a scheme proposed by all or any of the owners of any such land.

(2) A scheme prepared or adopted under the preceding subsection (in this Act referred to as a "supplementary scheme") shall incorporate, with or without modifications, all such provisions of the regional scheme as relate to the area to which the supplementary scheme applies and are not inconsistent with the provisions thereof, and may include such additional provisions as appear to be necessary or desirable.

(3) A resolution to prepare or adopt a supplementary scheme shall not affect the operation of the regional scheme or the powers of any authority thereunder, but as from the date on which the supplementary scheme comes into operation it shall, so far as respects the area to which it applies, have the effect of revoking the regional scheme.

(4) In this section the expression "regional scheme" means a scheme made, whether under this Act or under any Act repealed by this Act, by a joint committee.

Interim Development of Land.

Interim development orders.

10.—(1) The Department shall make a general order with respect to the interim development of land within the areas to which resolutions to prepare or adopt a scheme apply and may make special orders with respect to the interim development of any such land in any particular area.

For the purposes of this section the expression "interim development" means development between the date on which the resolution takes effect, and the date of the coming into operation of the scheme.

(2) An order made under the preceding subsection (in this Act referred to as "an interim development order") may itself permit the development of land either unconditionally or subject to any condition specified in the order, or may empower any authority so specified to permit the development of land in accordance with the terms of the order.

(3) Where an application for permission to develop land is made to the specified authority in manner provided by the order, the authority may, subject to the terms of the order, grant the application unconditionally or subject to such conditions as they think proper to impose, or may refuse the application, and they shall be deemed to have granted the application unconditionally unless within two months from the receipt thereof, or within such longer period as the applicant may agree in writing to allow, they give notice to him that they have decided to the contrary, stating their reasons for so doing:

Provided that—

(*a*) an application for permission to erect a new building on the site of an existing building, or on the site of a building which was standing within two years before the date on which a resolution takes effect, if made before or within two years after the destruction or demolition of that previous building, or within twelve months after the date on which the resolution takes effect, whichever period last expires, shall not be refused and conditions shall not be imposed, if the effect of the refusal or imposition of conditions would be to render it impossible for the applicant to erect a building having a cubic content above the level of the ground as great as that of the previous building or, in the case of a previous building used for business or industry, to erect a building having as great a cubic content above the level of the ground and as great a superficial area on the ground floor as those of the previous building, except where either—

(i) the new building would not conform with a provision proposed to be inserted in the scheme for fixing, in relation to any street or proposed street, a line beyond which no building in that street or proposed street may project; or

(ii) it is proposed to include the site of the new building or part thereof in an area to be reserved by the scheme for a purpose the carrying out of which in the future would necessitate the removal or the alteration of the new building;

(*b*) an application for permission to use any building which is erected in substitution for an existing building, or other such previous building as aforesaid, and is commenced within two years after the destruction or demolition of the previous building, for any purpose of the same or similar character as that for which the previous building was last used before its destruction or demolition shall not be refused unless such a use would be of a noxious or otherwise offensive character.

(4) In any case where an application under the last preceding subsection is refused or is granted subject to conditions, the authority may, if they think fit, make a contribution, the payment of which shall not be unreasonably delayed, towards any damage or expense which the applicant shows to their satisfaction that he is likely to suffer by reason of their decision.

(5) An applicant who is aggrieved by the refusal of the authority to consent to his application, or by any

conditions imposed by them, may within twenty-eight days from the date on which he received notice of the decision of the authority, or such longer period as the Department may allow, appeal to the Department, and the Department, after taking into consideration any offer by the authority to make a contribution under the last preceding subsection, may dismiss or allow the appeal, either unconditionally or subject to such conditions as they think proper to impose, but the Department, before deciding any such appeal, shall, if either the appellant or the authority so desire, afford them an opportunity of appearing before and being heard by a person appointed by the Department for the purpose.

The decision of the Department on an appeal under this subsection shall be final and shall have effect as if it were a decision of the authority.

(6) Where an appeal to the Department under the last preceding subsection is dismissed on the ground only that the land to which the appeal relates, though otherwise suitable for immediate development, ought to be reserved by the scheme for a public open space, and the Department are satisfied that, if the appeal had been allowed, the development for which permission was sought would have taken place within a reasonable period, the appellant, if he is entitled to dispose of the fee simple of the land with vacant possession, may, by notice in writing given to the authority within six months from the date of the Department's decision, require the authority to purchase the land at a price to be agreed, or in default of agreement to be determined in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, and the authority shall purchase the land accordingly.

9 & 10 Geo. 5. c. 57.

(7) Where expenditure is necessarily incurred on buildings or works in order to comply with a condition confirmed or imposed by the Department on an appeal to them under this section, and the condition was confirmed or imposed in anticipation of the reservation of land for a public purpose or the execution of works under the scheme, then, if the scheme as proposed to be approved by the Department does not contain a provision for such reservation or execution of works, and the Department, on representations made to them, are satisfied that the expenditure which has been so incurred

is wholly or partly abortive on that account, the scheme shall provide that the person by whom the expenditure was incurred shall be entitled, if he makes a claim in that behalf within twelve months from the date on which the scheme comes into operation, to recover as compensation from the responsible authority so much of that expenditure as is abortive.

(8) An interim development order may empower any authority specified in the order, with the consent of the Department, to suspend the operation of any enactments contained in local Acts and of any orders, byelaws or regulations, under whatever authority made, where it is expedient in order to promote the development permitted by or under the order.

(9) The foregoing provisions of this section shall not apply in any case where the scheme for the preparation or adoption of which a resolution has taken effect is a supplementary scheme or a scheme varying an existing scheme.

Contents and Effect of Schemes.

Contents of schemes, and authorities responsible for enforcing them.

11.—(1) Every scheme shall define the area to which it applies, and specify, in accordance with the provisions of the next succeeding subsection, the authority or authorities who are to be responsible for enforcing and carrying into effect the provisions of the scheme, and—

(*a*) shall contain such provisions as are necessary or expedient for prohibiting or regulating the development of land in the area to which the scheme applies and generally for carrying out any of the objects for which the scheme is made, and in particular for dealing with any of the matters mentioned in the Second Schedule to this Act; and

(*b*) where it is expedient in order to promote proper planning or development, may provide for suspending the operation of any provision, whether contained in a statute or in an order, byelaw, or regulation, under whatever authority made, in so far as that provision is similar to, or inconsistent with, any of the provisions of the scheme.

(2) A scheme may—

(*a*) specify as the responsible authority for all purposes of the scheme any one of the following authorities, that is to say, the local authority within whose district any land to which the scheme applies or any neighbouring land is situate, or a joint body specially constituted by the scheme; or

(*b*) specify any two or more such authorities as aforesaid as the responsible authorities for different purposes of the scheme or as respects different parts of the area to which the scheme applies; or

(*c*) in the case of a scheme which applies to land within a small burgh, specify the town council of the burgh as the responsible authority for all or certain purposes of the scheme as respects such land or part thereof.

(3) Where a scheme provides for a joint body being the responsible authority for any of the purposes of the scheme, it shall contain all such provisions as appear to be necessary or desirable in relation to the constitution and incorporation of the joint body and for conferring and imposing powers and duties on them, and making provision with respect to the purposes for which and the manner in which they may borrow money and the manner in which their expenses are to be defrayed, and may authorise them to co-opt additional members, so, however, that at least three-fourths of the members of the joint body shall be persons who are members of a constituent authority of the joint body.

Provisions in schemes with respect to buildings and building operations.

12.—(1) The provisions to be inserted in a scheme with respect to buildings and building operations may include provisions—

(*a*) prescribing the space about buildings;

(*b*) limiting the number of buildings;

(*c*) regulating, or enabling the responsible authority to regulate, the size, height, design and external appearance of buildings;

(*d*) imposing restrictions upon the manner in which buildings may be used, including, in the case of dwelling-houses, the letting thereof in separate tenancies; and

(*e*) prohibiting building operations, or regulating such operations in respect of matters other than those specified in this subsection:

Provided that, where a scheme contains a provision enabling the responsible authority to regulate the design or external appearance of buildings, the scheme must also provide that any person aggrieved by any decision of the responsible authority under the provision aforesaid may appeal against the decision either to the sheriff or to a tribunal to be constituted for the purpose under the scheme, as may be thereby provided, and the grounds on which such an appeal may be brought shall include the ground that compliance with the decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(2) The provisions to be inserted as aforesaid may—

(*a*) differ as respects different parts of the area to which the scheme applies; and

(*b*) be made applicable, either with or without modifications, to existing buildings as well as to buildings which are not existing buildings; and

(*c*) be imposed as permanent provisions, or as provisions operating only pending the coming into operation of an order under the provisions hereafter in this Act contained with respect to general development orders.

(3) No provision contained in a scheme with respect to buildings shall apply in relation to any building or the erection of any building which is, or is to be, occupied together with land which is used mainly or exclusively for agriculture, whether as arable, meadow, pasture ground or orchard, or for the purposes of a plantation or a wood, or for the growth of saleable underwood, and is, or is to be, used for any of those purposes, unless the site of the building is reserved by the scheme for any purpose, the carrying out of which in the future would necessitate the removal or the alteration of the building.

13.—(1) Subject to the provisions of this section, the responsible authority may at any time—

Power to enforce and carry into effect schemes.

(*a*) remove, pull down or alter, so as to bring into conformity with the provisions of the scheme, any existing building or other existing work which does not conform to those provisions, or the demolition or alteration of which is necessary for carrying the scheme into effect; or

(*b*) remove, pull down or alter, so as to bring into conformity with the provisions of the scheme, any building or other work, not being an existing building or an existing work, which does not conform to those provisions, or in the erection or carrying out of which any provision of the scheme has not been complied with; or

(*c*) where any building or land is being used in such a manner as to contravene any provision of the scheme, prohibit it from being so used; or

(*d*) where any land has since the material date been put to any use which contravenes any provision of the scheme and is not an existing use, reinstate the land; or

(*e*) execute any work which it is the duty of any person to execute under the scheme in any case where delay in the execution of the work has occurred and the efficient operation of the scheme has been or will be thereby prejudiced.

(2) Before taking any action under this section the responsible authority shall serve a notice in the prescribed manner on the owner and on the occupier of the building or land in respect of which the action is proposed to be taken and on any other person who, in their opinion, may be affected thereby, specifying the nature of, and the grounds upon which they propose to take, that action.

(3) Where a building or work which the responsible authority propose to remove, pull down or alter under this section is an existing building or an existing work, or where the use of a building or land which they propose to prohibit is an existing use, the authority shall serve

the notices for which provision is made by the last preceding subsection not less than six months before they take any action and, in any other case, they shall serve those notices not less than twenty-eight days before they take any action.

(4) If any person served with such a notice as aforesaid desires to dispute any allegation contained therein, he may, by giving notice of appeal within twenty-eight days from the date of the service of the original notice on him, appeal to the sheriff, and no action shall be taken by the authority under subsection (1) of this section pending the final determination or withdrawal of the appeal.

(5) If on any such appeal the sheriff is satisfied that the responsible authority are entitled to take the proposed action on the grounds specified in the notice, he shall dismiss the appeal and shall by his order empower the responsible authority, after the expiration of the period aforesaid of six months or twenty-eight days, as the case may be, to remove, pull down, or alter the building or work, or reinstate the land or execute the required work, or, as the case may be, shall by his order prohibit the building or land from being used in contravention of the scheme after the period aforesaid, but, if he is not so satisfied, he shall allow the appeal:

Provided that the sheriff may, if he thinks fit, direct that an order made by him under this subsection shall, instead of taking effect after the expiration of the period aforesaid of six months or twenty-eight days, take effect at such later date as he thinks fit, being a date not more than six months or twenty-eight days, as the case may be, from the date of the order.

The sheriff shall make such order in regard to the expenses of an appeal under subsection (4) of this section as he may think proper.

(6) Except where the responsible authority remove, pull down or alter a building or work which is an existing building or an existing work, any expenses reasonably incurred by the responsible authority under subsection (1) of this section may be recovered summarily as a civil debt from the person in default:

Provided that, on any proceedings for the recovery of any such expenses, the defender shall not be entitled to raise by way of defence any matter which might have been raised by him on an appeal under sub-section (4) of this section.

(7) A person who uses any building or land in a manner prohibited under this section shall be liable on summary conviction to a fine not exceeding fifty pounds and to a further penalty not exceeding twenty pounds in respect of each day on which he so uses the building or land after conviction.

Powers as to matters not finally dealt with by Scheme.

Supplementary orders.

14.—(1) There may be inserted in any scheme a provision empowering any responsible authority, or any local authority concerned who are not a responsible authority, to make orders (in this Act referred to as "supplementary orders"), or to adopt, with or without modifications, supplementary orders proposed by owners of land, for supplementing the provisions of the scheme, as respects any part of the area to which it applies, by adding to it provisions with respect to any matters for which provision may be made by a scheme and for varying it in so far as may be necessary or expedient.

(2) The provisions of this Act with respect to the approval of schemes by the Department, the laying of schemes before Parliament, and the validity and date of operation of schemes shall apply in relation to a supplementary order, as if it were a scheme.

(3) A supplementary order may be revoked or varied by a subsequent supplementary order made by the same authority, but so long, and in so far, as it continues to be operative, shall be deemed to form part of the scheme to which it relates.

General development orders.

15.—(1) The responsible authority may by an order (in this Act referred to as a "general development order") permit building operations to proceed, subject to such conditions as may be specified in the order, on any land as respects which the provisions of a scheme prohibit or restrict building operations pending the coming into operation of a general development order.

A general development order may be made with respect to the whole, or some part only, of the land which is subject to the prohibitions or restrictions and orders may be made from time to time so long as any part of that land remains so subject.

A general development order shall require the approval of the Department, and the Department may approve any such order with or without modification.

(2) Without prejudice to the power of the responsible authority to make a general development order at any time, it shall be the duty of every responsible authority within a period of three months from the expiration of every third year after the coming into operation of the scheme to take into consideration the desirability of making such an order with respect to all land which remains subject to the prohibitions or restrictions.

(3) Any person aggrieved by the failure of the responsible authority to make, as respects any land in which he is interested, a general development order within the aforesaid period of three months may appeal to the Department within two months after the expiration of such period of three months and the Department on any such appeal may, if they think fit, make a general development order, and an order so made by them shall have effect as if it were an order made by the responsible authority and approved by the Department.

(4) A general development order may be revoked or varied by a subsequent general development order made by the same authority, but so long and in so far as it continues to be operative shall be deemed to form part of the scheme to which it relates.

Power to permit building operations pending the coming into operation of a general development order.

16.—(1) Where the provisions of a scheme prohibit or restrict building operations on any land pending the coming into operation of a general development order, a person who, before such an order comes into operation with respect to that land, desires to commence thereon any building operations which would contravene any such temporary prohibition or restriction may, in accordance with such directions, if any, as may be contained in the scheme, apply to the responsible authority for their consent to the carrying out of the operations specified in the application.

(2) The responsible authority shall, in deciding any such application, have regard to any injury likely to be caused to the applicant by the refusal of the application, as well as to any public advantage likely to result from the maintenance of the prohibition or restriction, pending the coming into operation of a general development order, and may, if they are satisfied that the proposed operations will not contravene any permanent provisions of the scheme, grant the application unconditionally, or subject to such conditions as they think proper to impose:

Provided that, where the authority have power under this subsection to grant an application, they shall not refuse that application unless they are satisfied that other land suitable for such building operations as are specified in the application is available on reasonable terms and either—

(*a*) that the operations would involve danger or injury to health by reason of the lack of roads, sewers, water supply or any public services and that the provision of the necessary services would be premature, or likely to involve excessive expenditure of public money; or

(*b*) that the operations would be likely seriously to injure the amenity of the locality.

(3) Any person aggrieved by the refusal of any such application as aforesaid, or by any conditions imposed by the responsible authority, may within twenty-eight days from the date on which he received notice of the decision of the authority or such longer period as the Department may allow, appeal to the Department, and the Department may dismiss or allow the appeal, either unconditionally, or subject to such conditions as they think proper to impose.

The decision of the Department on an appeal under this subsection shall be final and shall have effect as if it were a decision of the authority.

Orders for Preservation of certain Buildings.

Power to make orders for preservation of certain buildings.

17.—(1) Where a resolution to prepare or adopt a scheme has taken effect, the local authority of any district which, or any part of which, is situate within the area to which the resolution applies, may at any time make an order with respect to any building of special architectural or historic interest within that area and within the district of the local authority directing that without their consent the building shall not be demolished, and may at any time vary or revoke an order so made by them.

(2) Subject as hereinafter provided no such order, and no variation or revocation of such an order, shall take effect unless and until the order, variation, or revocation, as the case may be, has been approved, with or without modifications, by the Department, and the Department before approving it shall consider any representations made to them by the owner of the building, or by any other person, and shall consult with the Commissioners of Works:

Provided that, if it appears to the Department, after consultation with the Commissioners of Works, that the order should take effect immediately, they may make a declaration to that effect, and in that case the order shall come into operation so soon as a copy of the order and of the declaration is served on the owner and occupier of the building, but shall cease to have effect at the expiration of two months from the date of the declaration unless it has been previously approved by the Department under this subsection.

(3) Where the owner of a building with respect to which an order made under this section is in force has applied to the local authority to vary or revoke the order, or to consent to its demolition, he may, if he is aggrieved by their refusal to vary or revoke the order, or to grant their consent, or by any terms imposed by them as a condition of their consent, appeal to the Department within twenty-eight days after the local authority have notified to him their decision.

On any appeal under this subsection, the decision of the Department shall be final, but before giving their decision they shall consult with the Commissioners of Works.

(4) Where an order has been made under this section, the coming into operation of a scheme for the area within which the building is situated shall not, unless the scheme so provides, operate as a revocation of the order.

(5) Nothing in this section shall—

(i) empower a local authority to make an order—

(*a*) with respect to any ecclesiastical building which is for the time being used for ecclesiastical purposes; or

(*b*) with respect to any building to which a scheme or order made under any enactment for the time being in force with respect to ancient monuments applies; or

(*c*) with respect to any building for the time being included in a list of monuments published by the Commissioners of Works, under any such enactment as aforesaid:

(ii) affect any powers of the Commissioners of Works under any such enactment as aforesaid.

Compensation and Betterment.

Provisions as to compensation for injurious affection, &c.

18.—(1) Subject to the provisions of this Act, any person—

(*a*) whose property is injuriously affected by the coming into operation of any provision contained in a scheme, or by the execution of any work under a scheme, or by the coming into operation of an order under section seventeen of this Act, being a provision, work or order which infringes or curtails his legal rights in respect of that property; or

(*b*) who suffers damage by reason of any action taken by a responsible authority under section thirteen of this Act; or

(*c*) who for the purpose of complying with any provision contained in a scheme, or in making or resisting a claim under the provisions of this Act relating to compensation and betterment, has incurred expenditure which is rendered abortive by a subsequent variation or revocation of the scheme,

shall, if he makes a claim within the time limited for the purpose by this Act, be entitled to recover as compensation from the responsible authority, or, if his claim arises out of the coming into operation of an order under section seventeen of this Act, from the local authority by whom the order was made, the amount by which his property is decreased in value, and, in the case of property on which he has carried on a trade or business or profession, the amount of any resulting injury to that trade or business or profession, or the amount of his damage, or, so far as it was reasonably incurred, the amount of the abortive expenditure, as the case may be.

(2) In awarding any compensation payable in respect of property injuriously affected by the coming into operation of any provision contained in a scheme, account shall be taken of any additional injurious affection of the property by reason that since the commencement of this Act the Department have refused, on an appeal made to them under an interim development order, to grant an application for permission to develop the property, or that the Department have imposed any conditions on the grant of such an application made since that date.

Power of Department to exclude compensation in certain classes of cases.

19.—(1) Subject to the provisions of this section, a scheme may provide, either generally or as respects all property except such as may be specified for the purpose in the scheme, that no compensation shall be payable under paragraph (*a*) of subsection (1) of the last preceding section in respect of the injurious affection of property by the coming into operation of any provision of the scheme which—

(*a*) prescribes the space about buildings; or

(*b*) limits the number of buildings; or

(*c*) regulates, or empowers the responsible authority to regulate, the size, height, design or external appearance of buildings; or

(*d*) prohibits or restricts building operations only pending the coming into operation of a general development order; or

(*e*) prohibits or restricts building operations permanently on the ground that, by reason of the situation or nature of the land, the erection of buildings thereon would be likely to involve danger or injury to health, or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services; or (*f*) prohibits (otherwise than by way of prohibition of building operations) the use of land for a purpose likely to involve danger or injury to health, or serious detriment to the neighbourhood, or restricts (otherwise than by way of restriction of building operations) the use of land so far as may be necessary for preventing such danger, injury, or detriment; or

(*g*) restricts the manner in which buildings may be used; or

(*h*) in the interests of safety regulates or empowers the responsible authority to regulate the height and position of proposed walls, fences or hedges near the corners or bends of roads, other than highways maintainable at the material date by the Minister of Transport, a county council, or other highway authority; or

(*i*) limits the number, or prescribes the sites, of new roads entering a classified road, or a road, or the site of a proposed road, which is declared by the Minister of Transport to be intended to be a classified road; or

(*k*) in the case of land which at no time within the period of five years immediately preceding the material date was or formed part of, the site of a building, fixes in relation to any street or proposed street a line beyond which no building in that street or proposed street may project; or

(*l*) in the case of the erection of any building intended to be used for purposes of business or industry, requires the provision of accommodation for loading, unloading or fuelling vehicles with a view to preventing obstruction of traffic on any highway.

(2) The Department shall not approve the insertion in a scheme of a provision excluding compensation under the last preceding subsection or themselves insert in a scheme such a provision—

(i) unless they are satisfied that, having regard to the objects of the scheme, the provision in respect of which compensation is to be excluded is proper and reasonable and expedient having regard to the local circumstances;

(ii) if the provision in respect of which compensation is to be excluded is such a provision as is mentioned in paragraph (*a*), (*b*), (*c*), (*d*), or (*g*) of the said subsection, unless the scheme contains also provisions satisfactory to them, for securing that—

(*a*) existing buildings may be maintained and their existing use continued; and

(*b*) reasonable alterations and, in proper cases, extensions of existing buildings may be made; and

(*c*) where an existing building or a building which was standing within two years before the material date is destroyed or demolished, a new building having at least an equal cubic content above the level of the ground and, in addition, in the case of premises used for business or industry, at least an equal superficial area on the ground floor, may be erected on the same site, if commenced within two years after the destruction or demolition of the previous building, or within such longer period as the responsible authority may permit; and

(*d*) a new building so substituted as aforesaid may be used for any purpose of the same or a similar character as that for which the previous building was last used before its destruction or demolition, notwithstanding that its use for that purpose would be contrary to the provisions of the scheme, unless such a use is declared in the scheme to be both contrary to the provisions thereof and also of a noxious or otherwise offensive character;

(iii) if the provision in respect of which compensation is to be excluded is such a provision as is mentioned in paragraph (*f*) of the said subsection, in so far as that provision—

(*a*) prohibits or restricts the winning of minerals by underground working;

(*b*) prohibits or restricts as respects any land the winning of minerals by surface working unless the land is reserved by the scheme, and has been substantially developed, for residential purposes; or

(*c*) prohibits or restricts as respects any land so reserved the winning by surface working of minerals, if the Department are satisfied, upon representations being made to them, that the minerals, or the right to win the minerals, had before the material date been acquired by some person for the purpose of winning them, or had before that date devolved upon some person desirous of winning them;

(iv) if the provision in respect of which compensation is to be excluded is such a provision as is mentioned in paragraph (*i*) of the said subsection, unless they are satisfied, if representations are made to them in any particular case, and the case appears to them to be a proper one, that reasonable means of access from neighbouring land to a highway will be provided;

(v) if the provision in respect of which compensation is to be excluded is such a provision as is mentioned in paragraph (*k*) of the said subsection, and, so far as concerns any particular land, unless they are satisfied, if representations are made to them as respects that land, that the area of the land of the owner fronting the street or proposed street will not be diminished to such an extent by the fixing of the building line as to render it less suitable for the erection of buildings in conformity with the provisions of the scheme.

(3) Notwithstanding the insertion in a scheme of such provisions satisfactory to the Department as are mentioned in paragraph (ii) of the last foregoing subsection, if and in so far as any alteration or extension of an existing building, or the substitution of a new building for a previous building, being an alteration, extension, or substitution which is authorised by, or might be permitted under, the said provisions, would not be in conformity with, or would contravene, any provision of the scheme, the

responsible authority may prohibit that alteration, extension or substitution, but in that case the person whose property is injuriously affected by the prohibition shall, if he makes a claim within twelve months after receiving notice of the prohibition, be entitled, notwithstanding anything in subsection (1) of this section, to recover compensation in respect of that injurious affection from the responsible authority in accordance with the provisions of this Act.

(4) Notwithstanding the insertion in a scheme of such provisions satisfactory to the Department as are mentioned in paragraph (ii) of subsection (2) of this section, if and in so far as the continuance of any existing building or of any existing use of an existing, altered, extended or substituted building is not in conformity with, or contravenes, any provisions of the scheme, nothing in that subsection shall be construed as precluding the responsible authority from exercising at any future time their powers under section thirteen of this Act in respect of that use, subject, however, to payment of compensation in accordance with the provisions of paragraph (*b*) of subsection (1) of section eighteen of this Act.

(5) In considering whether they ought to approve the insertion in a scheme of a provision excluding compensation, or ought themselves to insert such a provision, the Department shall have regard to—

(*a*) the nature and situation and existing development of the land affected by the provision in respect of which compensation is excluded and of neighbouring land not so affected; and

(*b*) the interests of any person who would be affected by the provision in respect of which compensation is excluded.

Exclusion or limitation of compensation in certain other cases.

20.—(1) No compensation shall be payable under this Act in respect of any property on the ground that it has been injuriously affected by any provision contained in a scheme, if and in so far as the same provision or a provision substantially to the same effect was, at the date when the scheme came into operation, already in force by virtue of some Act, not being either this Act or an Act repealed by this Act.

(2) A person shall not be entitled to recover compensation under this Act in respect of any action taken by a responsible authority under section thirteen of this Act except in a case where a building or work which the authority have removed, pulled down or altered, was an existing building or an existing work, or a use of a building or land which they have prohibited was an existing use.

(3) Where any provision contained in a scheme could immediately before the date on which the scheme came into operation have been validly included in a scheme, order, regulation, or byelaw by virtue of any other Act in force at that date, then—

(*a*) if no compensation would have been payable in respect of injury caused by the coming into operation of that provision in that other scheme, or that order, regulation or byelaw, no compensation shall be payable in respect of that provision of the scheme under this Act; and

(*b*) if compensation would have been so payable, the compensation payable in respect of that provision of the scheme under this Act shall not be greater than the compensation which would have been so payable.

(4) Where any provision of a scheme, whether made under this Act or under any Act repealed by this Act, is revoked by a subsequent scheme, no compensation shall be payable in respect of any property on the ground that it has been injuriously affected by any provision contained in the subsequent scheme if and in so far as that later provision is the same, or substantially the same, as the earlier provision so revoked; but if at the date when the revocation of that earlier provision becomes operative—

(*a*) there is still outstanding any claim for compensation duly made thereunder; or

(*b*) the time originally limited for making such a claim has not expired,

any such outstanding claim and any such claim made within the time so limited shall be entertained and determined, and may be enforced, in the same manner in all respects as if all the provisions of the earlier scheme had continued in operation.

Recovery of betterment from owners of property increased in value.

21.—(1) Where by the coming into operation of any provision contained in a scheme, or by the execution by a responsible authority of any work under a scheme, any property is increased in value, the responsible authority, if within twelve months after the date on which the provision came into operation or such longer period as may be specified in the scheme, or within twelve months after the completion of the work, as the case may be, they make a claim in that behalf, may, subject to the provisions of this Act, recover from the person whose property is so increased in value an amount not exceeding seventy-five per cent. of the amount of that increase:

Provided that, except where the person against whom the claim is made has claimed from the responsible authority, by way of compensation under this Act in connection with the scheme and in respect of any injurious affection other than injurious affection immediately suffered, an amount not less than the amount claimed by the responsible authority under this section and the claim for compensation has been allowed in an amount not less than the amount claimed by the responsible authority as aforesaid, or is outstanding, that person may at any time within twenty-eight days after service on him of the claim give notice in writing to the responsible authority requiring them to defer the claim, and in that event the claim shall be withdrawn.

(2) Where a notice has been given in respect of any property under the last preceding subsection, the responsible authority shall be entitled to make a fresh claim against the person who gave the notice in respect of any increase in the value of the property due to the coming into operation of any provision contained in the scheme or by the execution by the authority of any work under the scheme—

(*a*) on the taking effect at any time within fourteen years from the date of service of the said notice of a disposition of the property;

(*b*) on the taking place at any time within the said period of fourteen years of a change of use of the property;

(*c*) in the case of property which was at the date of the original claim used for the purposes of any business or industry, and in respect of which there has not within the period of five years next after the date of the service of the notice been made any claim under paragraph (*a*) or (*b*) of this subsection, at any time within a period of twelve months after the expiration of the said period of five years:

Provided that no claim shall be made—

(i) under paragraph (*b*) of this subsection if the new use of the property is a use as arable, meadow or pasture ground, or as market gardens, nursery grounds, orchards or allotments, or for a plantation or a wood, or for the growth of saleable underwood, or as allotment gardens within the meaning of the Allotments (Scotland) Act, 1922, or (being land which exceeds one quarter of an acre) for the purpose of poultry farming; and 12 & 13 Geo. 5. c. 52.

(ii) under paragraphs (*b*) or (*c*) of this subsection in the case of property belonging to a statutory undertaker.

(3) If a claim is made on a disposition of property or, in the case of property used for the purposes of any business or industry, on the expiration of the said period of five years, the responsible authority may recover a sum not exceeding seventy-five per cent. of the amount by which the property has been increased in value by the coming into operation of the provision or by the execution of the work in respect of which the original claim was made, and the date of the fresh claim shall be the date by reference to which the increase in value shall be determined, and thereafter no further claim shall be made under this section in respect of that property.

(4) If a claim is made on a change of use of property taking place, the responsible authority may recover a sum not exceeding seventy-five per cent. of the amount by which the property has for the purposes of its new use been increased in value by the coming into operation of the provision or by the execution of the work in respect of which the original claim was made and, on any subsequent change of use taking place or upon any disposition of the property taking effect within the period of fourteen years a fresh claim may be made.

(5) In assessing the amount of any sum payable under this section in respect of any property, account shall be taken—

(*a*) of any principal sum paid or payable to the responsible authority in respect of the property under a claim previously made under this section; and

(*b*) of any gift of property whether heritable or moveable, or any concession made or any works executed under arrangement with the responsible authority, by any person against whom the claim under this section in respect of the property is made or his predecessors in title, with a view to facilitating the making or carrying into effect of the scheme.

(6) Any sum recoverable under this section may be paid either immediately or by such instalments spread over a period not exceeding thirty years as may be agreed or determined under this Act, and where payment is made by instalments interest at such rate as may from time to time be fixed by the Treasury shall be chargeable on the aggregate amount of the instalments for the time being outstanding, but notwithstanding any such agreement or determination the person from whom such instalments are due may, on giving not less than six months' notice in writing to the responsible authority of his intention so to do, pay to them the whole of any outstanding instalments, together with any interest accruing due thereon to the date of payment.

(7) A person who gives a notice under subsection (1) of this section shall, within one month after the date on which any such disposition as is mentioned in paragraph (*a*) of subsection (2) of this section takes effect, or any such change of use as is mentioned in paragraph (*b*) of the said subsection (2) takes place, give written notice thereof to the responsible authority and shall, within one month after receiving from the responsible authority a demand in that behalf (which demand shall be made not later than the expiration of two months after the giving of the notice), furnish to the authority such particulars as they may reasonably require for the purposes of this section:

Provided that, if at any time the responsible authority make a claim which under the provisions of subsection (3) of this section is final, they shall notify the person who gave the notice under subsection (1) of this section that no further notice of disposition or change of use need be sent.

(8) A claim made on a disposition of property taking effect, or on a change of use taking place, shall be made not later than the expiration of twelve months from the date on which notice is given to the responsible authority under subsection (7) of this section of the disposition or change of use, or, where particulars are demanded by the authority, the date on which the particulars are furnished to the authority:

Provided that a claim made on the granting of a lease or tack which is for a term of less than seven years shall be made not earlier than the expiration of the seventh year from the date on which the said term commenced.

(9) The provisions of this section shall apply to a disposition of, or a change of use of, a part of any property in respect of which notice has been given under subsection (1) of this section as they apply in relation to a disposition of, or a change of use of, the whole of that property.

(10) Where any provision of a scheme, whether made under this Act or under any Act repealed by this Act, is revoked by a subsequent scheme, no property shall be deemed to be increased in value by any provision contained in the subsequent scheme if and in so far as that provision is the same, or substantially the same, as a provision contained in the scheme so revoked:

Provided that, if at the date when the revocation of the said scheme becomes operative there is still outstanding any claim in respect of an increase in the value of any property duly made thereunder, or the time originally limited for making such a claim has not expired, any such outstanding claim, and any such claim made within the time so limited, shall be entertained and determined and may be enforced, in the like manner in all respects as if all the provisions of the earlier scheme had continued in operation.

(11) In this section the expression "disposition" means a disposition by way of feu or sale (including a sale in consideration of a ground annual or other similar periodical payment) or the grant of a lease or tack

for a period of not less than three years, and references to the person who gives a notice under subsection (1) of this section shall, where the property to which the notice relates has, since the notice was given, been the subject of transmission otherwise than by disposition, be construed as references to the person to whom the property was last so transmitted before the date on which a disposition takes effect or a change of use takes place.

(12) For the purposes of this section a change of use of property shall not be deemed to have occurred if the character of the new use is similar to that of the previous use.

Making of claims for compensation or betterment.

22.—(1) A claim under this Act for compensation or in respect of an increase in the value of any property shall be made by serving upon the authority or person from whom the amount alleged to be payable is claimed, a notice in writing stating the grounds of the claim and the amount claimed.

(2) Subject to the provisions of this Act, a claim under this Act for compensation may be made within twelve months after the date on which the provision giving rise to the claim came into operation or within such longer period as may be specified in the scheme, or, if the claim is a claim for compensation in respect of action taken by a responsible authority under section thirteen of this Act, or in respect of the coming into operation of an order under section seventeen of this Act, or in respect of expenditure rendered abortive by the variation or revocation of a scheme, within twelve months after the date on which the action was completed, or the order came into operation, or the variation or revocation of the scheme became operative.

(3) Where it is alleged that land which, at or within two years before the material date, formed the site of a building has been injuriously affected by a provision fixing, in relation to any street or proposed street, a line beyond which no building in that street or proposed street may project, then, subject to any agreement to the contrary, the period within which a claim for compensation may be made in respect of that land shall be a period of twelve months after the date on which a new

building is erected on the site in conformity with the line so fixed:

Provided that, if in the case of any such land a claimant alleges in his claim, and proves to the satisfaction of the arbiter, that it is not reasonably practicable to erect any new building on that land in conformity with the line so fixed, and, where the building is standing at the date on which the scheme comes into operation, has before commencing to demolish the building given notice to the responsible authority in accordance with the provisions of the next succeeding subsection, a claim made by him at any time within a period of twelve months after the date on which the building is demolished or the date on which the scheme comes into operation, whichever last occurs, shall be deemed to be validly made and shall be entertained by the arbiter.

(4) A person who intends to claim compensation in respect of any such land as is mentioned in the proviso to the last preceding subsection shall, if the building is standing at the date on which the scheme comes into operation, not less than three months before he commences to demolish the building, give notice in writing of his intention to the responsible authority, and that authority may, at any time before the expiration of two months from the receipt by them of the notice, require him to sell to them the site and the buildings thereon, and thereupon the provisions of this Act with respect to the compulsory acquisition of land by a responsible authority shall apply in relation to that site and any buildings thereon as they apply in relation to land required by such an authority for the purposes of a scheme.

(5) Where it is alleged that property has been injuriously affected by the execution of any work, the period within which a claim in respect of that injurious affection may be made shall be a period of twelve months after the completion of the work.

Determination of claims and recovery of amounts due.

23.—(1) Any question arising under this Act as to—

(i) the right of a claimant to recover compensation; or

(ii) the right of an authority to recover any amount in respect of an increase in the value of any property; or

(iii) the amount and manner of payment, whether immediately or by instalments spread over a period not exceeding thirty years, of any such recoverable compensation or amount as aforesaid,

shall, unless the authority and all persons concerned otherwise agree, be referred to and determined by an official arbiter to be appointed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, who shall have the like powers with respect to procedure (including the hearing of claims and objections together), costs, and the statement of special cases as he has under that Act.

(2) The arbiter or other person charged with the duty of determining any such question as aforesaid—

(i) shall have regard to any undertaking which either the local authority or joint committee by whom the scheme was prepared, or the responsible authority, or the person against whom the claim is made, may have given; and

(ii) if the question arises out of the coming into operation of a supplementary scheme or a supplementary order, shall take into account any amount which the responsible authority have paid or are liable to pay, or have recovered or are entitled to recover, in respect of that property by reason of the coming into operation of the original scheme, or any other scheme or order supplemental thereto; and

(iii) if any contribution has been made by an authority under the provisions of this Act relating to interim development orders, shall take into account that contribution.

(3) Any amount due as compensation from a responsible authority and any amount due to an authority from a person whose property is increased in value may be recovered summarily as a civil debt.

Power to withdraw or modify provisions of scheme after award of compensation.

24.—(1) The responsible authority may, at any time within one month after the date of an award of compensation under this Act in respect of the injurious affection of any property, give notice to the claimant of their intention to withdraw or modify all or any of the provisions of the scheme which gave rise to his claim for compensation.

(2) Where such a notice has been given, the responsible authority shall within three months from the date of the notice submit for the approval of the Department a varying scheme carrying into effect such withdrawal or modification as aforesaid, and upon the varying scheme, as approved by the Department with or without modifications, coming into operation, and upon payment by the authority of the claimant's costs of and in connection with the arbitration, the award of the arbiter shall be discharged, without prejudice, however, to the right of the claimant to make a further claim for compensation under paragraph (*c*) of subsection (1) of section eighteen of this Act or in respect of the scheme as varied.

(3) No award of compensation under this Act in respect of the injurious affection of any property shall be enforceable before the expiration of one month from the date thereof, or if a notice has been given by the authority under subsection (1) of this section, until after the expiration of three months from the date of the notice, or, if within that period a varying scheme is submitted to the Department, until that scheme has either come into operation, or been disapproved by the Department, or quashed by a court.

Purchase of Land.

Acquisition of land to which scheme applies.

25.—(1) The responsible authority may purchase by agreement any land to which a scheme, whether made under this Act or under any Act repealed by this Act, applies, which they require for the purposes of the scheme, as if those purposes were purposes of the Public Health (Scotland) Act, 1897, and, where the responsible authority are not a local authority having power to acquire land for the purposes of that Act, as if they were such an authority, and in particular, but without prejudice to the generality of the foregoing words, they may purchase any such land—

(*a*) which they require for carrying out the improvement or controlling the development of frontages to, or of lands abutting on or adjacent to, any highway which is maintainable at the public expense, or any proposed highway which is to be constructed wholly or partly at the public expense; or (*b*) which they require for securing the satisfactory development of any land in accordance with the provisions of the scheme in any case where, by reason of the land being held in plots which are of inconvenient size or shape, or of which the arrangement or alignment is inconvenient, or by reason of the multiplicity of interests in the land, or by reason of the fact that the land is being used in a manner or for purposes inconsistent with the provisions of the scheme, it does not appear to be reasonably practicable to secure such development otherwise than by purchase of the land; or

(*c*) which forms the site of a highway which has been stopped up under any provision contained in the scheme; or

(*d*) which they require for the purpose of providing accommodation for a person whose premises have been purchased by them for the purposes of the scheme.

(2) Where the responsible authority are unable to purchase by agreement any land which they are authorised by the foregoing provisions of this section to purchase, they may, subject as hereinafter provided, be authorised to purchase that land compulsorily by means of an order (in this Act referred to as a "compulsory purchase order") made and submitted to the Department and confirmed by them in accordance with the provisions of Part I of the Third Schedule to this Act:

Provided that they shall not be authorised to purchase any land compulsorily for the purpose of subparagraph (*d*) of the foregoing subsection.

(3) The provisions of Part III of the First Schedule to this Act shall have effect with respect to the validity of compulsory purchase orders made under this Act and the dates on which they are to come into operation.

(4) Where land within the district of a local authority is comprised in a scheme, whether made under this Act or under any Act repealed by this Act, and the local authority are not the responsible authority, the provisions of this section with respect to the purchase of land, whether by agreement or compulsorily, by a responsible

authority shall apply to the local authority as if that authority were the responsible authority.

(5) The responsible authority may, with the consent of, and subject to any conditions imposed by, the Department, purchase by agreement land comprised in a scheme, whether made under this Act or under any Act repealed by this Act, notwithstanding that the land is not immediately required for the purposes of the scheme.

(6) The powers of purchasing land under this section shall be subject to the restrictions contained in Part II of the Third Schedule to this Act.

Acquisition of land for open spaces and playing fields in area covered by planning scheme.

26. Where a scheme, whether made under this Act or under any Act repealed by this Act, has come into operation, and the town council of any burgh or any county council require for the purposes of a public open space or a playing field any land to which the scheme applies, the provisions of the last preceding section with respect to the purchase of land, whether by agreement or compulsorily, by a responsible authority shall apply in relation to that land and to the council as if that council were the responsible authority and required that land for the purposes of the scheme.

Supplemental Provisions with respect to Schemes.

Limitation of street work charges.

27.—(1) Where provision is made in a scheme for the construction, widening, or improvement of any road or street, and for charging the cost, or any part of the cost, thereof upon the owners of adjoining land or other persons deriving benefit therefrom, the scheme shall secure that the cost so charged shall not exceed the amount which would at the date of the commencement of the works have been the cost of the execution of street works in the course of the construction, widening, or improvement if it had been carried out so as to comply with any enactments, byelaws, or regulations in operation in the area and, as respects matters for which no provision is made in any such enactments, byelaws, or regulations, so as to comply with such specification as the highway authority for the area would at the date of the commencement of the works have required as a condition of taking over the road or street as a highway maintainable at the public expense.

(2) In this section the expression "street works" means the sewering, levelling, paving, metalling, flagging, channelling and making good a road or street or part of a road or street, and the expressions "construction" and "improvement" in relation to any road or street include the planting, laying out, maintenance and protection of trees, shrubs, and grass margins, in and beside the road or street.

Power to contribute towards expenses of owners in connection with the proposal of schemes.

28. It shall be lawful for a local authority or joint committee to contribute towards the expenses incurred by owners of land in or in connection with the proposal of a scheme which is adopted by the local authority or joint committee or in co-operating with them in the preparation of a scheme.

Contributions by local authorities towards expenses of, or in connection with, schemes.

29. It shall be lawful for the town council of any burgh or any county council to contribute towards the expenses incurred by any authority in or in connection with matters preliminary to the preparation of a scheme or in or in connection with the preparation or carrying into execution of a scheme whether made under this Act or any Act repealed by this Act.

Contributions by statutory undertakers towards expenses of, or in connection with, schemes.

30. It shall be lawful for any statutory undertakers to pay to any authority the whole or any part of any expenses incurred by that authority in, or in connection with, the preparation or carrying into execution of a scheme, whether made under this Act or under any Act repealed by this Act.

Application of betterment as capital.

31. All sums received by a responsible authority by way of betterment, or as proceeds of sale of any land purchased under the powers conferred by this Act, shall be applied either in the repayment of debt or for any other purpose for which capital money may be properly applied.

Power of public departments to make agreements in connection with schemes.

32.—(1) For the purpose of co-operating with any local authority or joint committee who are preparing a scheme, or with any responsible authority who are carrying into effect a scheme, whether made under this Act or under any Act repealed by this Act, any public department may, subject to the approval of the Treasury, enter into agreements for securing that any land which is under their control, or which is in their occupation or vested in them for public purposes or for the public service, shall, so far as may be provided by any such agreement, be laid out and used in conformity with the general objects of the scheme, and any agreement so made may contain such consequential and incidental provisions, including provisions of a financial character, as appear to be necessary or desirable having regard to the contents or proposed contents of the scheme:

Provided that the department concerned in making an agreement under this section, and the Treasury in considering whether their approval shall or shall not be given to the agreement, shall have regard to the purposes for which the land in question was acquired, or is held, by the department.

(2) Section twelve of the Crown Lands Act, 1927 (which relates to the power of the Commissioners of Crown lands to make agreements in connection with town planning schemes), shall cease to have effect.

17 & 18 Geo. 5. c. 23.

Power of authorities and owners to enter into agreements restricting use of land.

33.—(1) Where any person is willing to agree with any such authority as is mentioned in subsection (2) of this section that his land, or any part thereof, shall, so far as his interest in the land enables him to bind it, be made subject, either permanently or for a specified period, to conditions restricting the planning, development, or use thereof in any manner in which those matters might be dealt with by or under a scheme, the authority may, if they think fit, enter into an agreement with him to that effect, and if the agreement shall have been recorded in the appropriate register of sasines, it shall be enforceable at the instance of the authority against persons deriving title to the land from the person with whom it was entered into:

Provided that no such agreement shall at any time be enforceable against a third party who shall have in bonâ fide onerously acquired right (whether completed by infeftment or not) to the land prior to the agreement being recorded as aforesaid or against any person deriving title from such third party.

(2) Agreements may be entered into under this section by a local authority, or a responsible authority, not being a local authority.

(3) This section shall come into force upon the passing of this Act.

Provisions as to Garden Cities.

Acquisition of land for purpose of garden cities.

34.—(1) Where the Department are satisfied that any local authority or two or more local authorities jointly, or any authorised association, are prepared to purchase any land and develop it as a garden city, or as an extension of an existing garden city, and have funds available for the purpose, they may, with the consent of the Treasury and after consultation with the Board of Trade, the Department of Agriculture for Scotland, and the Minister of Transport, acquire that land on behalf of the authority or association, either by agreement or compulsorily, in any case in which it appears to the Department necessary or expedient so to do for the purpose of securing the development of the land as aforesaid, and may do all such things as may be necessary to vest the land so acquired in the local authority or association.

(2) The provisions of this Act relating to the powers of a responsible authority to acquire land for the purposes of a scheme, shall, with any necessary modifications, apply for the purpose of the acquisition of land by the Department under this section, and the Department in exercising their powers of acquiring land under this section shall be subject to the same conditions as are applicable in relation to the acquisition of land under this Act by a responsible authority:

Provided that, in the case of an order for the compulsory acquisition of land on behalf of an authorised association, the order shall be laid before each House of Parliament and shall not be confirmed by the Department unless and until both Houses by resolution have approved the order, nor, if any modifications are agreed to by both Houses, otherwise than as so modified.

(3) A local authority may acquire land, either by agreement or compulsorily, for any of the purposes for which land may be acquired under subsection (1) of this section, as if it were land comprised in a scheme which was required by a responsible authority for the purposes of the scheme.

(4) Any land acquired under the foregoing provisions of this section shall be developed in accordance with proposals approved by the Department.

(5) Subject to such conditions as the Treasury may impose and up to an amount approved by the Treasury,

the Public Works Loan Commissioners may advance by way of loan to any authorised association such money as the association may require for the purpose of developing the garden city in accordance with proposals approved by the Department under this section, and the provisions of the Housing (Scotland) Act, 1925, with respect to loans by those Commissioners to a public utility society for the purpose of the purchase and development of land under Part III of that Act shall, subject to the provisions of this section, apply to advances made in pursuance of this subsection.

15 & 16 Geo. 5. c. 15

The power to make advances under this subsection shall be exercised during such a period as the Treasury may determine.

(6) Any authorised association shall have power, notwithstanding anything in their rules or constitution prohibiting the payment of interest on loan capital at a rate exceeding six per cent. per annum, to raise money on loan for the purposes of this section at a rate of interest not exceeding the rate for the time being fixed by the Treasury.

(7) In this section—

The expression " local authority " means the town council of any burgh or any county council:

The expression " garden city " includes garden suburb or garden village, and " authorised association " means any society, company or body of persons approved by the Department whose objects include the promotion, formation, or management of garden cities and the erection, improvement or management of buildings for the working classes and others, and which does not trade for profit or whose constitution forbids the issue of any share or loan capital with interest or dividend exceeding the rate for the time being fixed by the Treasury.

Powers of Department.

Power of Department to require preparation or adoption

35.—(1) If the Department are satisfied after the holding of a local inquiry that a scheme ought to be prepared by any authority as respects any land, they may by order require the authority to prepare a scheme and to take such other steps as may be necessary for bringing of scheme, and to require execution of scheme.

it into operation, and the order of the Department shall have the same effect as a resolution to prepare a scheme for the area to which the order relates passed by the authority and approved by the Department.

(2) If the authority fail to prepare a scheme to the satisfaction of the Department within such time as may be specified in the order, or to take any other steps which they are required by this Act, or by regulations made thereunder, or by order of the Department thereunder, to take, the Department may themselves act in the place and at the expense of the authority.

(3) If the Department are satisfied after the holding of a local inquiry that any authority have failed to adopt any scheme proposed by owners of land in a case where a scheme ought to be adopted, they may order the authority to adopt the scheme proposed, or if they think fit, may themselves approve the proposed scheme with or without modifications, and a scheme so approved by them shall be deemed to have been adopted by the authority and approved by the Department.

(4) If the Department are satisfied after the holding of a local inquiry that a responsible authority have failed to enforce effectively the observance of a scheme which has come into operation or any provisions of such a scheme (whether being a scheme made under this Act or being a scheme made under any Act repealed by this Act), or to execute any works or do any things which under the scheme or this Act the authority are required to execute or do, the Department may, if they think fit, themselves act in the place and at the expense of the authority or may, with the approval of the Lord Advocate, apply by summary petition to either division of the Court of Session or during vacation or recess to the Lord Ordinary on the Bills for an order on the authority to do all things necessary for remedying their default and for carrying into execution the scheme: and such division or Lord Ordinary are hereby authorised and directed to do in such petition and to dispose of the expenses of the proceedings as to the said division or Lord Ordinary shall appear to be just.

(5) The Department shall furnish a copy of the report made to them by the person who holds a local inquiry directed by this section to every authority

concerned and, on payment of such fee as may be fixed by the Department, to any person interested.

(6) Any expenses incurred by the Department in exercising under this section any powers of any authority shall be paid, in the first instance, out of moneys provided by Parliament, but the amount of those expenses as certified by the Department shall, on demand, be paid by the authority to the Department and shall be recoverable as a debt due to the Crown.

(7) The payment of any such expenses as aforesaid shall, to such extent as may be sanctioned by the Department, be a purpose for which an authority may borrow money in accordance with the provisions of this Act or of the scheme under which the authority are constituted.

Regulations as to procedure.

36.—(1) The Department may make regulations for regulating generally the procedure to be followed in connection with the preparation or adoption of schemes or orders, other than compulsory purchase orders, and for prescribing anything which is by this Act required or authorised to be prescribed.

(2) Regulations shall be made under subsection (1) of this section in relation to the matters specified in the headings of the several paragraphs of Part I of the Fourth Schedule to this Act, and those regulations shall, subject as provided in Part II of the said Schedule in relation to the matters specified in the heading thereof, be to the effect stated in those paragraphs respectively.

(3) Regulations made by the Department under this Act shall, so soon as may be after they are made, be laid before each House of Parliament, and if either House of Parliament, within the next subsequent twenty-one days on which that House has sat after any such regulation has been laid before it, resolves that the regulation shall be annulled, the regulation shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

Local inquiries.

37.—(1) For the purposes of the execution of their powers and duties under this Act, the Department may cause to be held such local inquiries as are directed by this Act and such other local inquiries as they may think fit, and the costs incurred in relation to any such local inquiry shall be paid by the authorities and persons concerned in the inquiry, or by such of them and in such proportions as the Department may direct, and the Department may certify the amount of the costs incurred, and any sum so certified and directed by the Department to be paid by any authority or person shall be a debt to the Crown from such authority or person.

(2) The provisions of the Public Health (Scotland) Act, 1897, with respect to inquiries which the Department may cause to be held for the purposes of that Act, shall apply in relation to any local inquiry which they may cause to be held in pursuance of this Act.

Legal Proceedings.

Stated case to Court of Session.

38. Where under the provisions of a scheme an appeal is submitted to the Department, the Department may, on the application of any party to the appeal at any stage of the proceedings, and shall, if so directed by either division of the Court of Session, state a case on any question of law arising in the appeal for the opinion of either division of the Court of Session, and the procedure in the stated case shall be such as may be prescribed by Act of Sederunt: and the provisions of any scheme made before the commencement of this Act under which an appeal on any question of law shall lie to the Court of Session against a decision of the Department shall cease to have effect.

Power to refer certain disputes to arbitration or to Department.

39.—(1) Where under this Act, or any scheme made thereunder, an appeal lies, or an application may be made, to the sheriff, it shall be lawful for the persons who would be parties to the appeal or application to agree in writing either that the matter in dispute shall be determined by the Department, or that it shall be referred to the arbitration of such person as may be agreed upon or, in default of agreement, appointed by the Department.

(2) Where under this Act, or any scheme made thereunder, an appeal lies to the Department, or any question is to be determined by them, it shall be lawful for the persons who would be parties to the appeal, or between whom the question is raised, to agree in writing that the matter in dispute shall be referred to the arbitration of such person as may be agreed upon or, in default of agreement, appointed by the Department.

(3) Where any such agreement as aforesaid is made, the Department or the arbiter, as the case may be, shall have power to make any such order or determination as, in the absence of such agreement, might have been made by the sheriff or by the Department.

(4) A determination of the Department or of an arbiter under this section shall be final.

Miscellaneous Provisions.

For the protection of statutory undertakers.

40.—(1) No provision contained in a scheme shall apply to any land or any building erected thereon which for the time being belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking, except in so far as they may consent to any particular provision of the scheme being made applicable to any such land or building:

Provided that their consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be decided by the Department; but the Department, before giving their decision, shall, where any other Government department are concerned with the functions of the undertakers, consult with that department and shall, if the undertakers whose consent is sought so desire, afford them an opportunity of appearing before and being heard by one or more persons appointed for the purpose by the Department and the other Government department concerned acting jointly.

(2) If, in connection with the giving by statutory undertakers of any consent under this Act, any question arises as to whether any or as to which Government department are concerned with the functions of any statutory undertakers, the question shall be referred to and determined by the Treasury whose decision shall be final.

Consultation of Commissioners of Works as to schemes affecting certain buildings.

41. Where representations are made to the Department that a provision in a scheme submitted for their approval will involve the removal, pulling down, or alteration of a building of special architectural or historic interest, they shall, before approving the scheme, consult with the Commissioners of Works.

Land in neighbourhood of royal palaces and parks.

42.—(1) Where a local authority or joint committee propose to include in a scheme any land which is situate within the prescribed distance from any of the royal palaces or parks, or where an authority propose to acquire any such land under this Act, they shall, before preparing the scheme or acquiring the land, communicate with the Commissioners of Works, and the Department shall, before approving the scheme or authorising the acquisition of the land or the raising of any loan for the purpose, take into consideration any recommendations which they may have received from the Commissioners of Works with reference to the proposal.

(2) For the purposes of this section, " prescribed " means prescribed by regulations made by the Department after consultation with the Commissioners of Works.

Works below high-water mark.

43. Nothing in this Act shall authorise the execution of any works whether of construction, demolition or alteration on, over or under tidal lands below high-water mark of ordinary spring tides, except with the consent of any persons whose consent would have been required if this Act had not been passed, and except in accordance with such plans and sections and subject to such restrictions and conditions as, previous to such works being commenced, have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

Saving for Postmaster-General. 41 & 42 Vict. c. 76.

44. The expression " Act of Parliament " in section seven of the Telegraph Act, 1878 (which makes provision as to work done in pursuance of Acts of Parliament which involves alteration in telegraphic lines), shall be construed as including a scheme under this Act.

Powers as to the preservation of trees.

45.—(1) The provisions to be inserted in a scheme with respect to securing amenity and the protection of existing amenities may include provisions for the preservation of single trees and groups of trees, and in addition may specify areas of woodland as areas to be protected under this section.

(2) Where an area is so specified, the scheme may impose an obligation on the owner, if any part of the woodland is felled, to undertake such replanting as would be in accordance with the practice of good forestry, but

save as aforesaid the scheme shall not impose any control over forestry operations in the area.

(3) If any question arises between the responsible authority and the owner whether any replanting of land carried out or proposed to be carried out by the owner is or would be in accordance with the practice of good forestry, it shall, on the application of either party, be determined by the Forestry Commissioners, whose decision shall be final.

Powers with respect to advertisements.

46.—(1) Where it appears to the responsible authority that an advertisement displayed or a hoarding set up in the area to which a scheme applies seriously injures the amenity of land specified in the scheme as land to be protected under this Act in respect of advertisements, the authority may serve in the prescribed manner upon the owner of the advertisement or hoarding a notice requiring him to remove it within such period, not being less than twenty-eight days from the date of service of the notice, as may be specified therein, and where any such notice is served a copy thereof shall be served in the prescribed manner upon the owner and occupier of the land on which the advertisement or hoarding is displayed or set up.

(2) If a person upon whom a notice or a copy of a notice has been served under the last foregoing subsection on any date desires to allege that the advertisement or hoarding to which the notice relates does not seriously injure the amenity of any land specified in the scheme as aforesaid he may, by giving notice of appeal within twenty-eight days from that date, appeal to the sheriff.

(3) If on any such appeal as aforesaid the sheriff is satisfied that the advertisement or hoarding does not seriously injure the amenity of any land specified in the scheme as aforesaid, the sheriff shall allow the appeal, but if he is not so satisfied the sheriff shall dismiss the appeal, so, however, that the sheriff may by his order postpone the date for compliance with the requirements of the notice to such date, not being later than the expiration of twenty-eight days from the date of the order, as he thinks fit.

(4) If the owner of an advertisement or hoarding upon whom a notice has been served under subsection (1) of this section does not comply with the requirements of

the notice within the period therein specified, then, unless an appeal in respect of the notice is made under this section and allowed, the authority may, at any time after the expiration of that period or, if the sheriff on an appeal under this section postpones the date for compliance with the requirements of the notice, after the date specified in the order, enter upon the land upon which the advertisement or hoarding is displayed or set up and remove the advertisement or hoarding and recover from the owner thereof the expenses of such removal and on any proceedings for the recovery of such expenses the defender shall not be entitled to raise by way of defence any matter which might have been raised by him on an appeal under this section.

(5) Where a scheme specifies any land in the area to which the scheme applies as land to be protected under this Act in respect of advertisements, the scheme may contain provisions enabling the responsible authority subject to such conditions as may be specified in the scheme to authorise the display of any particular class of advertisements, either unconditionally or subject to any conditions in respect of the position or manner in which, or the period during which, the advertisements may be displayed, and conferring upon any person aggrieved by a decision of the responsible authority in relation to such authorisation as aforesaid a right of appeal to the sheriff.

(6) The powers conferred upon a responsible authority by subsections (1) and (4) of this section shall not be exerciseable—

(i) in respect of advertisements the display of which is authorised as provided by the last foregoing subsection;

(ii) in respect of advertisements which relate solely to a trade or business carried on, or to an entertainment, meeting, auction or sale to be held, upon or in relation to the land upon which the advertisements are displayed, and which conform with any provisions contained in the scheme with respect to the size, position, and manner of display of such advertisements;

(iii) in respect of advertisements on the door or in the window of a building which conform with any such provisions as aforesaid;

(iv) during the period of five years from the coming into operation of the scheme, in respect of hoardings erected or in use for advertising purposes before the date when the resolution to prepare or adopt the scheme took effect, or advertising stations used by advertising contractors at that date, or in respect of advertisements displayed on any such hoarding or station at any time during that period, or in respect of advertisements displayed at that date.

(7) Property shall not, for the purposes of the provisions of this Act relating to compensation and betterment, be deemed to be injuriously affected or increased in value by the provisions of this section or anything done or suffered thereunder.

(8) Save as provided by this section, a scheme shall not contain any provision prohibiting or controlling the erection or use of structures for the purpose of advertising:

Provided that the foregoing provisions of this subsection shall not render unlawful the insertion in a scheme of a provision which prohibits the erection on any land of buildings generally, or under which buildings generally could be removed from any land, if that provision is required for a purpose other than the prevention of injury to amenity by advertisements or hoardings.

(9) In this section the expression " hoarding " means any hoarding or similar structure erected or used for the purpose of advertising; and the expression " owner " means, in relation to an advertisement displayed by a person carrying on the business of an advertising contractor, that person, and means, in relation to any other advertisement, the person to whose goods, trade, business, or other concerns publicity is given by the advertisement.

Appointment of committees for purposes of Act.

47.—(1) A local authority may, subject to the provisions of this section, appoint a committee for any of the purposes of this Act, which, in the opinion of the authority, would be better regulated and managed by means of a committee, and may delegate to the committee, with or without restrictions or conditions as they think fit, any of their powers under this Act except the power of levying a rate or borrowing money.

(2) A committee appointed under this section shall consist of such number of persons as the local authority think fit, but at least three-fourths of the members of the committee shall be members of the local authority.

Expenses of, and borrowing by, local authorities.

48.—(1) Any expenses incurred by a local authority under this Act shall be defrayed as if they were expenses incurred by the authority under the Public Health (Scotland) Act, 1897:

Provided that, where expenses incurred by the town council of a small burgh under this Act are included in the sum for which a rate is levied by the council, the amount of the contribution payable by the town council on account of the expenditure of the county council under this Act shall be only such sum, if any, as will together with the amount of the aforesaid expenses of the town council amount to the sum which the town council would have been required to contribute if such expenses of the town council had been included in the expenditure of the county council under this Act.

(2) A local authority may borrow for the purposes of this Act in accordance with the provisions of section twenty-three of the Local Government (Scotland) Act, 1929.

Expenses of town councils of small burghs and of county councils not being local authorities under this Act.

49. Any expenses incurred under this Act by the town council of a small burgh or by a county council who are not a local authority within the meaning of this Act, shall be defrayed out of such rate payable by owners and occupiers in equal shares as the council may determine and such council may borrow for any of the purposes of this Act.

Compensation to officers.

50.—(1) Every officer of a council, who, in consequence of the delegation or transfer of any powers or duties of that council under any provision contained in sections two to five of this Act, suffers any direct pecuniary loss by determination of his appointment or by diminution or loss of fees, salary, or emoluments, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to recover compensation under this Act for that loss from that council.

(2) For the purposes of this section an officer of a council by or from whom any powers or duties are so delegated or transferred—

(*a*) who at any time within five years after the date of the delegation or transfer, as the case may be, relinquishes office by reason of his having been required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform immediately before the said date; or

(*b*) whose appointment is determined or whose salary is reduced within five years after the said date because his services are not required or his duties are diminished, and not on the ground of misconduct or inefficiency,

shall be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss in consequence of that delegation or transfer.

(3) The provisions of the Second Schedule to the Rating (Scotland) Act, 1926, and of paragraph (*i*) of subsection (1) of section seven of the Local Government (Scotland) Act, 1929, shall apply in relation to claims for compensation under this Act as they apply in relation to claims for compensation under those Acts subject to such modifications as the Secretary of State may by order provide for the purpose of adapting those provisions to cases arising under this Act.

16 & 17 Geo. 5. c. 47

(4) In this section the expression " officer " includes servant.

Transitional provisions.

51.—(1) Where before the commencement of this Act a local authority have, in pursuance of authority given by the Department under subsection (2) of section one of the Town Planning (Scotland) Act, 1925, resolved to prepare a scheme under that subsection for the limited purposes therein mentioned, they may, notwithstanding the repeal of the said subsection, prepare and make a scheme for those purposes, without prejudice, however, to their power to pass at any time a resolution to prepare or adopt with respect to the same area, or any part thereof, a scheme for any of the purposes mentioned in section one of this Act.

15 & 16 Geo. 5. c. 17.

(2) Where an application for authority to prepare or adopt a scheme has been granted, or a resolution to prepare or adopt a scheme has taken effect, but the scheme to be prepared in pursuance of that application or resolution, or, as the case may be, the scheme so adopted, has not at the commencement of this Act come into operation, the application or resolution shall have effect as if it were a resolution passed by the authority and approved by the Department under this Act, and the existing provisions which immediately before that date regulated the service of notices in the area in question and the procedure in connection with the preparation or adoption of schemes, and the submission of schemes to the Department, and consideration and approval thereof by them shall, whether those provisions were contained in regulations made by the Department under the Town Planning (Scotland) Act, 1925, or were contained partly in such regulations and partly in a local Act, continue to apply in relation to that scheme:

Provided that the Department may by general or special order direct that in certain classes of case, or in any particular case, the provisions of this Act with respect to the matters aforesaid shall apply instead of such existing provisions as aforesaid to such extent, and with such modifications, as they may think fit.

Interpretation.

52. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"Buildings" includes structures and erections;

"Building operations" includes any road works preliminary, or incidental, to the erection of buildings;

9 & 10 Geo. 5. c. 50.

"Classified road" means a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class 1 or Class 2, or in any class declared by him to be not inferior to those classes for the purposes of the Local Government (Scotland) Act, 1929;

"Development," in relation to any land, includes any building operations or rebuilding operations, and any use of the land or any building thereon for a purpose which is different from the purpose for which the land or building was last being used:

Provided that—

(i) the use of land for the purpose of agriculture, whether as arable, meadow, pasture ground or orchard, or for the purposes of a plantation or a wood, or for the growth of saleable underwood, and the use for any of those purposes of any building occupied together with land so used, shall not be deemed to be a development of that land or building; and

(ii) the use of land within the curtilage of a dwelling-house for any fresh purpose other than building operations shall not be deemed to be a development of that land if the purpose is incidental to the enjoyment of the dwelling-house as such;

"Department" means the Department of Health for Scotland;

"Large burgh" and "small burgh" have the respective meanings assigned to them in the Local Government (Scotland) Act, 1929;

"Fence" and "hedge" have respectively the same meanings as in the Roads Improvement Act, 1925; 15 & 16 Geo. 5. c. 68.

"Joint committee" means a joint committee appointed under section three or under section four of this Act, or under any repealed enactment relating to town planning;

"Land" includes land covered with water and any right in or over land;

"Minerals" includes all minerals and substances in or under land of a kind ordinarily worked for removal by underground or by surface working;

"Owner" includes any person who under the Lands Clauses Acts would be enabled to sell and convey land to the promoters of an undertaking;

"Prescribed" means prescribed by regulations made by the Department;

"Statutory undertakers" means any person authorised by or under an Act of Parliament, or an order having the force of an Act of Parliament, to construct, work, or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking;

"Scheme" means a scheme under this Act, and, save as otherwise expressly provided in this Act, includes a supplementary scheme and a scheme varying or revoking an existing scheme;

"Site" in relation to a building includes the area of any offices, out-buildings, yard, court or garden occupied or intended to be occupied therewith;

"The material date" means, in relation to any provision contained in a scheme, other than a supplementary scheme or a varying scheme, the date on which the resolution to prepare or adopt the scheme took effect or such later date as may be fixed by the scheme, either generally or for the purposes of any particular provision thereof, and in relation to any provision contained in a supplementary scheme or a varying scheme or a supplementary order means the date on which the scheme or order came into operation, or such later date as may be fixed by the scheme or order, either generally or for the purposes of any particular provision thereof:

Provided that, where any provision of a scheme or order is revoked by a subsequent scheme or order which contains the same provision or a provision substantially to the same effect, the material date in relation to that later provision shall be the date which, if the earlier provision had continued in operation, would have been the material date in relation thereto;

"Existing building" and "existing work" mean respectively a building or work erected, constructed or carried out before the material date, and include also a building or work—

(i) erected, constructed or carried out in pursuance of a contract made before the material date; or

(ii) begun before, but completed after, that date; or

(iii) erected, constructed or carried out in accordance with the terms of an interim development order, whether made under this Act or any Act repealed by this Act, or of permission granted under such an order:

Provided that—

(*a*) a building erected or constructed in substitution for a previous building in accordance with the provisions of the scheme relating to substituted buildings shall be deemed to be an existing building; and

(*b*) a building shall not cease to be, or to be deemed to be, an existing building by reason of its alteration or extension in accordance with the provisions of the scheme relating to the alteration or extension of existing buildings, and any such alteration or extension shall itself be deemed to be part of the existing building;

"Existing use" means, in relation to any building or land, a use of that building or land for any purpose of the same or a similar character to that for which it was last used before the material date, or, in the case of a newly erected building which has not been used before that date, a use for any purpose for which it was designed, and includes in any case any use of a building or land permitted by or under an interim development order, whether made under this Act or any Act repealed by this Act:

Provided that—

(i) if at any time after the material date the existing use of a building is discontinued for a period of eighteen months, no use of that building at any subsequent date shall be deemed to be an existing use thereof;

(ii) where at the material date a person who was using any land for the purpose of mining, quarrying, the digging of clay, gravel or sand, or the deposit of waste materials or refuse, or any other purpose of a similar nature, was entitled also to use neighbouring land for any such purpose, the user under that title of that neighbouring land for any such purpose, whether before or after the material date, shall be deemed to be an existing use.

Repeals.

53.—(1) The enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule, and, subject to the provisions of subsection (2) of section fifty-one of this Act, such of the provisions of any local Act, including any local Act passed on the same day as this Act, as modify the provisions of the Town Planning (Scotland) Act, 1925, in its application to a particular locality are also repealed:

Provided that—

(*a*) nothing in this repeal shall affect any appointment, scheme, order, regulation, or agreement made, or any approval, consent or notice given, under any enactment repealed by this Act, and any such appointment, scheme, order, regulation, agreement, approval, consent or notice may be enforced and carried into effect as if this Act had not been passed, but may be amended, varied, repealed or revoked under this Act;

(*b*) where at the commencement of this Act there is outstanding any claim for compensation duly made under any Act repealed by this Act, or any claim so made for any amount in respect of an increase in the value of property, or the time limited by or under any such repealed Act for making such a claim has not expired, that outstanding claim, and any such claim made within the time so limited, shall be entertained and may be enforced in the same manner in all respects as if this Act had not been passed;

(*c*) a reference in any document to any Act or enactment repealed as aforesaid, or to a town planning scheme under any such Act, shall be construed as a reference to this Act or the corresponding enactment in this Act, or to a scheme under this Act;

(*d*) the provisions of a local Act, in so far as they effect a transfer of functions exerciseable under the Town Planning (Scotland) Act, 1925, from one authority to another or regulate the manner in which any such functions are to be exercised where such a transfer has been so effected, shall be excepted from the repeal by this section of the provisions of local Acts.

(2) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict. c. 63.

Department to have regard to powers of dean of guild court.

54. In approving any scheme, or exercising or performing any other powers or duties under this Act the Department shall have regard to the powers and jurisdiction of the dean of guild court in burghs.

Short title and commencement.

55. This Act may be cited as the Town and Country Planning (Scotland) Act, 1932, and, except as otherwise expressly provided, shall come into operation on the first day of April, nineteen hundred and thirty-three.

SCHEDULES.

FIRST SCHEDULE.

Sections 8 and 25 (3).

Part I.

Provisions as to the laying of Schemes before Parliament.

1. Where a scheme is approved or made by the Department, they shall cause it to be laid forthwith before both Houses of Parliament.

1ST SCH. —*cont.*

2.—(1) A scheme which contains a provision suspending the operation of a statutory enactment, other than an enactment which is an excepted enactment for the purposes of this paragraph, shall not be capable of coming into operation until a resolution approving the suspensory provision has been passed by each House of Parliament.

(2) For the purposes of this paragraph the following are excepted enactments :—

(*a*) subsection (1) of section thirty-two of the Public Health (Scotland) Act, 1897;

(*b*) section one hundred and fifty-eight of the Burgh Police (Scotland) Act, 1892, as extended by subsection (2) (*h*) of section one hundred and four of the Burgh Police (Scotland) Act, 1903;

(*c*) section five of the Roads Improvement Act, 1925, as applied to Scotland by section twelve of that Act;

(*d*) any enactment making such provision as might, by virtue of any Act of Parliament, have been made in relation to the area to which the scheme applies by means of a byelaw, order, or regulation not requiring confirmation by Parliament;

(*e*) any enactment which has been previously suspended by some other scheme which came or was capable of coming into operation, and any enactment having substantially the same effect as any such enactment.

3. Subject as aforesaid a scheme approved or made as aforesaid shall be capable of coming into operation in accordance with the provisions of Part II of this Schedule unless—

(1) either House of Parliament within a period of twenty-one days on which that House has sat after the scheme has been laid before it resolves that the scheme or some provision thereof ought not to come into operation; or

(2) on a motion that a provision in the scheme be approved or that the scheme or some provision thereof ought not to come into operation an undertaking is given by, or on behalf of, the Department to modify the scheme.

4. If in the case of any scheme—

(1) a resolution to approve a suspensory provision contained in the scheme is not agreed to by either House of Parliament; or

(2) it has been resolved by either House of Parliament that the scheme or some provision contained therein ought not to come into operation; or

(3) there has in relation to the scheme been given any such undertaking as is mentioned in paragraph three of this Part of this Schedule, 1st Sch. —*cont.*

the following provisions shall have effect:—

(*a*) if the scheme is a scheme which was prepared or adopted by a local authority or joint committee, it may be modified by the Department in like manner, and the like further proceedings may be taken thereon, as if the Department had not approved it;

(*b*) if the scheme is a scheme which was made by the Department, a new scheme may be made by them in like manner, and the like proceedings may be taken thereon as if the first mentioned scheme had not been made.

PART II.

PROVISIONS AS TO THE VALIDITY AND DATE OF OPERATION OF SCHEMES.

1. So soon as may be after a scheme has, regard being had to the provisions of Part I of this Schedule, become capable of coming into operation, the local authority or joint committee by whom the scheme was prepared or adopted, or is deemed to have been prepared or adopted, shall publish in a local newspaper a notice in the prescribed form stating that the scheme has been laid before both Houses of Parliament and is capable of coming into operation and naming a place where a copy of the scheme and of any map therein referred to may be seen at all reasonable hours, and shall serve a like notice on every person to whom this Act or the regulations made by the Department thereunder require notice to be given.

2. If any person aggrieved by a scheme desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act, or that any requirement of this Act, or of any order or regulation made thereunder, has not been complied with in relation to the scheme, he may, at any time within six weeks after the date on which the notice required by the provisions of paragraph one of this Part of this Schedule is published, make an application for the purpose by summary petition to the Court of Session.

3. The Court of Session, on an application made under this Part of this Schedule—

(*a*) may by interim order suspend the operation of the scheme, or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and

1st Sch. —*cont.*

(*b*) if satisfied that the scheme, or any provision contained therein, is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by any requirement of this Act, or of any order or regulation made thereunder, not having been complied with, may quash the scheme or any provision contained therein, either generally or in so far as it affects any property of the applicant.

4. Subject to the provisions of paragraphs two and three of this Part of this Schedule, the validity of a scheme shall not, either before or after it has been approved or made, be called in question in any legal proceedings whatsoever, and shall become operative at the expiration of six weeks from the date on which the notice required by the provisions of paragraph one of this Part of this Schedule is published.

5. Except by leave of the Court of Session no appeal shall lie to the House of Lords from a decision of the Court of Session under this Part of this Schedule.

6. The validity of a provision in a scheme which has been approved by resolution passed by each House of Parliament shall not be called in question on any ground under the provisions of this Part of this Schedule or in any legal proceedings whatsoever, nor shall any such provision be suspended or quashed under the provisions of this Part of this Schedule.

PART III.

PROVISIONS AS TO THE VALIDITY AND DATE OF OPERATION OF COMPULSORY PURCHASE ORDERS.

1. So soon as may be after a compulsory purchase order has been confirmed by the Department, the authority by whom the order was made shall publish in a local newspaper a notice in the prescribed form stating that the order has been so confirmed and naming a place where a copy of the order and of any map therein referred to may be seen at all reasonable hours and shall serve a like notice on every person who, having given notice of his objection to the order, appeared at the local inquiry in support of his objection.

2. If any person aggrieved by a compulsory purchase order desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or that any requirement of this Act or of any order or regulation made thereunder has not been complied with in relation to the order, he may within six weeks after the date on which notice of its confirmation is published in accordance with the provisions of the preceding paragraph make an application for

the purpose by summary petition to the Court of Session, and upon any such application the Court— 1st Sch. —*cont.*

(*a*) may by interim order suspend the operation of the order or of any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings; and

(*b*) if satisfied that the order or any provision contained therein is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act or of any order or regulation made thereunder not having been complied with, may quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

3. Subject to the provisions of the last preceding paragraph, a compulsory purchase order shall not, either before or after it has been confirmed, be questioned in any legal proceedings whatsoever, and shall become operative at the expiration of six weeks from the date on which notice of its confirmation is published in accordance with the provisions of paragraph one of this Part of this Schedule.

4. Except by leave of the Court of Session, no appeal shall lie to the House of Lords from a decision of the Court of Session under this Part of this Schedule.

5. This Part of this Schedule does not apply to an order which is provisional only until confirmed by Parliament.

SECOND SCHEDULE.

Section 11.

Matters to be dealt with by Schemes.

1. Streets, roads and other ways, and stopping up or diversion of existing highways including kirk roads.

2. Buildings, structures, and erections.

3. Open spaces, private and public.

4. The reservation of sites for places of religious worship or for houses for the residence of officiating ministers or burial places in connection therewith.

5. The reservation of land as sites for aerodromes.

6. The prohibition, regulation, and control of the deposit or disposal of waste materials and refuse.

2nd Sch. —*cont.*

7. Sewerage, drainage, and sewage disposal.

8. Lighting.

9. Water supply.

10. Ancillary or consequential works.

11. Extinction or variation of private rights of way and other servitudes.

12. Dealing with or disposal of land acquired by the responsible authority or by a local authority.

13. Power of entry and inspection.

14. Power of the responsible authority to remove, alter or demolish any obstructive work.

15. Power of the responsible authority to make agreements with owners, and of owners to make agreements with one another.

16. Power of the responsible authority or a local authority to accept any property whether heritable or moveable for the furtherance of the objects of any scheme, and provision for regulating the administration of any such money or property.

17. Application with the necessary modifications and adaptations of statutory enactments.

18. Carrying out and supplementing the provisions of this Act for enforcing schemes, and for that purpose imposing pecuniary penalties for breach of or failure to comply with schemes and making provision for the recovery thereof by summary proceedings before the sheriff.

19. Limitation of time for operation of scheme.

20. Co-operation of the responsible authority with the owners of land included in the scheme or other persons interested.

21. Charging on any land the value of which is increased by the operation of a scheme the sum required to be paid in respect of that increase, and for that purpose applying, with the necessary adaptations the provisions of any enactments dealing with charges for improvements of land.

Section 25.

THIRD SCHEDULE.

Part I.

Provisions as to the Compulsory Acquisition of Land.

1. A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which

it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

(*a*) the Lands Clauses Acts (except sections ninety and one hundred and twenty to one hundred and twenty-five of the Lands Clauses Consolidation (Scotland) Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

(*c*) sections seventy to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845.

2. A compulsory purchase order in respect of land forming the site of a highway which has been stopped up under a provision contained in a scheme shall not be submitted to the Department after the expiration of twelve months from the date on which the highway was stopped up.

3. The modifications, subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows:—

(i) The arbiter shall not take into account any building erected or any improvement or alteration made or any interest in land created after the date on which notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the arbiter, the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining compensation or increased compensation;

(ii) No person shall be required to sell a part only of any house, building or manufactory, or of any land which forms part of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden unless the arbiter determines that in the case of a house, building or manufactory such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house, and, if he so determines, he shall award compensation in respect of any loss due to the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell to the responsible authority that part of the house, building, manufactory, park or garden; and

(iii) Where the land to which the order relates is land forming the site of a highway which has been stopped up under

3RD SCH. —*cont.*

a provision contained in a scheme, any compensation payable shall be assessed on the basis that the land could not lawfully be used in any manner which, if the highway had not been stopped up, would have interfered with the right of the public to use that highway.

4. Before submitting the order to the Department the responsible authority shall—

(*a*) publish in a local newspaper a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(*b*) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Department for confirmation, and specifying the time within and the manner in which objections thereto may be made.

5. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Department may, if they think fit, confirm the order with or without modification, but in any other case they shall, before confirming the order, cause a local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification:

Provided that—

(i) the Department may require any person who has made an objection to state in writing the grounds thereof, and may confirm the order without causing a local inquiry to be held if they are satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbiter by whom the compensation is to be assessed;

(ii) the order as confirmed by the Department shall not, unless all persons interested consent, authorise the responsible authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification.

6. For the purposes of this Schedule a notice may be served—

(i) by registered post or by delivery to or at the residence of the person to whom it is addressed; or

(ii) if the responsible authority are unable after reasonable enquiry to ascertain the name and address of the person upon whom it should be served, by addressing it to him—

3rd Sch. —*cont.*

(*a*) by name, if his name is known; or

(*b*) if his name is not known, by the description of " owner " or " occupier " of the premises (naming them) to which it relates,

and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy thereof to some conspicuous part of the premises.

PART II.

RESTRICTIONS ON ACQUISITION OF LAND.

1. The Department shall not confirm an order for the compulsory purchase of any land which is the site of an ancient monument or other object of archæological interest, unless they are satisfied that the monument or object is not being properly protected, preserved and maintained and that its acquisition by the responsible authority is necessary for securing its protection or preservation and maintenance.

2. The Department shall not confirm an order for the compulsory purchase of any land which belongs to any local authority within the meaning of the Local Authorities' Loans (Scotland) Acts, 1891 and 1893, or to any statutory undertakers unless the land is required for the widening of an existing highway and the authority or undertakers consent:

Provided that such consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be decided by the Department, but the Department, before giving their decision as to whether or not the consent of any undertakers is unreasonably withheld, shall, where any other Government department are concerned with the functions of the undertakers, consult with that department and shall, if the undertakers so desire, afford them an opportunity of appearing before and being heard by one or more persons appointed for the purpose by the Department and the other Government department concerned acting jointly.

3. The Department shall not confirm an order for the compulsory purchase of any land forming the site of a highway which has been stopped up under a provision contained in a scheme if any person who, under section one hundred and twenty-one of the Lands Clauses Consolidation (Scotland) Act, 1845, is, or would upon a disposition thereof be, entitled to a right of pre-emption in

3rd Sch. —*cont.* respect of the land, has given notice of his desire to purchase the land, or if a right of pre-emption under the said section has been exercised in respect of the land.

4.—(i) Where a scheme or an order made in connection with a scheme authorises the acquisition or appropriation of any land forming part of any common, open space, or allotment, the scheme or order, so far as it relates to the acquisition or appropriation of such land, shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament, except—

(*a*) where the scheme provides for giving in exchange for such land other land, not being less in area, certified by the Department, after consultation with the Department of Agriculture for Scotland, to be equally advantageous to the persons, if any, entitled to rights of common or other rights and to the public; or

(*b*) where such land is required for the widening of an existing highway and the Department, after consultation with the Department of Agriculture for Scotland, declare that the giving in exchange of other land is unnecessary either in the interests of the persons, if any, entitled to rights of common or other rights, or of the public.

(ii) Before giving any such certificate, or making any such declaration, the Department shall give public notice of the proposed exchange, or of their intention to make the declaration, and shall afford opportunity to all persons interested to make representations and objections in relation thereto, and shall, if necessary, cause a local inquiry to be held on the subject.

(iii) Where any scheme authorises such an exchange as aforesaid, it shall provide for vesting the land given in exchange in the persons in whom the common, open space or allotment was vested, subject to the same rights, trusts, and incidents as attached to the common, open space or allotment, and for discharging the part of the common, open space or allotment acquired or appropriated from all rights, trusts, and incidents to which it was previously subject.

(iv) For the purposes of this Part of this Schedule the expression " common " includes any town or village green; and the expression " open space " means any land laid out as a public garden or used for the purposes of public recreation and any disused burial ground; and for the purposes of paragraph 2 of this Part of this Schedule the expression " highway " shall not include a bridge by which a highway is carried over or under any railway, canal or navigable water, or the approaches to any such bridge, or the road carried by any such bridge and approaches.

FOURTH SCHEDULE.

Section 36.

Part I.

Matters in Relation to which Regulations shall be made and Effect to be Secured Thereby.

Paragraph 1. As to resolutions to prepare or adopt a scheme :—

(i) that the area of the proposed scheme is defined by reference to a map showing by means of boundary lines the area of the land to which the resolution applies and indicating the land in the area which is already built upon;

(ii) that notice by advertisement is given of the passing of the resolution and of facilities for inspection of the map, and for making suggestions for the inclusion or exclusion of land in or from the area of the proposed scheme;

(iii) that suggestions made within the time specified in the notice are taken into consideration by the local authority or joint committee, and if not accepted by them or withdrawn are taken into consideration by the Department.

Paragraph 2. As to preliminary statements of proposals for development in cases where such a statement is submitted :—

(i) that a draft statement is formulated to include such particulars of the proposed development as may be prescribed and is illustrated by a map which shall indicate, so far as is practicable, the proposals for development;

(ii) that notice by advertisement is given of facilities for inspection of the draft and map and for making objections to the draft;

(iii) that objections made within the time specified in the notice are taken into consideration by the local authority or joint committee and, if not met or withdrawn, are taken into consideration by the Department;

(iv) that the statement is not submitted to the Department before the expiration of three months from the date when the service of notices of the taking effect of the resolution to prepare the scheme has been completed, and that the time within which the statement may be submitted is limited to a period not exceeding eighteen months from the date when the resolution took effect, with power for the Department to extend that period

4th Sch. —*cont.*

where they are satisfied that there are special circumstances warranting an extension of the period;

(v) that the Department may hold a local inquiry as to objections;

(vi) that notice by advertisement is given of the approval by the Department of the statement.

Paragraph 3. As to the preparation or adoption of schemes :—

(i) that a draft scheme is formulated and is illustrated by a map showing so far as practicable particulars and details of the scheme and in particular proposed new roads or widening of existing roads;

(ii) that notice by advertisement is given of facilities for inspection of the draft and map and for making representations and objections as to the draft;

(iii) that representations and objections made within the period specified in the notice are taken into consideration by the local authority or joint committee.

Paragraph 4. As to the submission of schemes to the Department and consideration and approval thereof by them :—

(i) that the time within which the scheme is to be submitted is limited to a period not exceeding, where a preliminary statement has been approved by the Department, eighteen months from the date of approval and not exceeding, in any other case, three years from the date when the resolution to prepare or adopt a scheme took effect, with power for the Department to extend these periods, respectively, where they are satisfied that there are special circumstances warranting an extension of period;

(ii) that notice by advertisement is given of the submission of the scheme and of facilities for inspection of the scheme and map and for making objections to the scheme;

(iii) that objections to the scheme made within the time specified in the notice are taken into consideration by the Department;

(iv) that a local inquiry as to the scheme is held by the Department where any objections taken into consideration by them are not met or withdrawn;

(v) that if the Department propose to modify the scheme, a copy of the scheme as proposed to be modified is furnished to the local authority or joint committee and notice by advertisement is given by the local authority

4th Sch. —*cont.*

or joint committee of the intention of the Department to approve the scheme with modifications and of facilities for inspection of the scheme and map and for making objections to the scheme as intended to be approved;

(vi) that objections to any proposed modifications of the scheme made within the time specified in the notice are taken into consideration by the Department.

Paragraph 5. As to procedure generally in relation to the matters aforesaid :—

(i) that co-operation with persons interested in land proposed to be included in a scheme or order is secured;

(ii) that full information as to any proposal to prepare or adopt a scheme or order is given to the local authority of any district and to the town council of any small burgh in which land proposed to be included in the scheme or order is situate, or which such land immediately adjoins;

(iii) that, where a resolution to prepare a scheme for land which is wholly or partly within a small burgh has taken effect, the town council, unless the resolution was passed by that council, are consulted with respect to the preparation of the scheme;

(iv) that where under the foregoing provisions of this Schedule provision is required to be made by regulation for notice of facilities for inspection of any document, provision is made for access to be had thereto at all reasonable hours and without payment of a fee, and for the inclusion in the notice of particulars of the time and place at which such access may be had;

(v) that where provision is required to be made as aforesaid for notice by advertisement of any document, the advertisement is published at least once during each of two successive weeks with an interval between each publication of at least six clear days in a newspaper circulating in the area to which the document relates;

(vi) that where provision is required to be made as aforesaid for notice by advertisement of facilities for making suggestions, representations, or objections as to any matter, the time for the making thereof is not limited, in the case of suggestions as to the inclusion or exclusion of land in or from a scheme, to less than fourteen days from the date of the second publication of the advertisement or, in any other case, to less than twenty-one days from that date.

4th Sch.—*cont.*

Part II.

As to the preparation, adoption, submission, and approval of schemes varying or revoking a previous scheme, of supplementary schemes, and supplementary orders, and of general development orders—

The provisions of paragraph 3, of sub-paragraphs (ii), (iii), (iv), (v), and (vi) of paragraph 4, and of paragraph 5 of Part I of this Schedule shall apply in relation to the matters stated in the heading of this paragraph, provided that the regulations may reserve power to the Department to dispense with or modify all or any of the provisions aforesaid subject to such conditions, if any, as they may impose, in any case in which, having regard to the nature of the matters dealt with in the scheme or order, they are satisfied that there is reasonable cause for the dispensation or modification, and that no person will be prejudiced thereby.

Section 53.

FIFTH SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 17.	The Town Planning (Scotland) Act, 1925.	The whole Act.
17 & 18 Geo. 5. c. 23.	The Crown Lands Act, 1927 -	Section twelve.

CHAPTER 50.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-three, and to appropriate the Supplies granted in this Session of Parliament.

[13th July 1932.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £304,790,226 out of the Consolidated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-three, the sum of three hundred and four million seven hundred and ninety thousand two hundred and twenty-six pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole three hundred and four million seven hundred and ninety thousand two hundred and twenty-six pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty-three, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

Appropriation of Grants.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of five hundred and six million nine hundred and twelve thousand and seventy-three pounds four shillings are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

54 & 55 Vict. c. 24.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services, army services and air services respectively be not exceeded.

4.—(1) So long as the aggregate expenditure on naval, military and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval, military and air services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

5. Whereas under the powers given for the purpose by the Appropriation Acts, 1930 and 1931, surpluses arising on certain votes for the navy, army and air services respectively have been applied as shown in the statement set out in Schedule (C) to this Act:

Sanction for navy, army and air expenditure for 1930 unprovided for.
20 & 21 Geo. 5. c. 27.
21 & 22 Geo. 5. c. 29.

It is enacted that the application of those surpluses as shown in the said statement is hereby sanctioned.

6.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by the warrant:

Declaration required in certain cases before receipt of sums appropriated.

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if such a declaration has been subscribed within a period of seven calendar months preceding the date of the payment.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

7. This Act may be cited for all purposes as the Appropriation Act, 1932.

Short title.

ABSTRACT

OF

SCHEDULES (A) and (B) to which this Act refers.

Section 3.

SCHEDULE (A.)

	£	s.	d.
Grants out of the Consolidated Fund - -	506,912,073	4	0

Section 3.

SCHEDULE (B.)—Appropriations of Grants.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
1930 and 1931.	£	s.	d.	£	s.	d.
Part 1. Civil Departments Excesses, 1930 - -	22,982	4	0	1,314	0	3
,, 2. Civil and Revenue Departments (Supplementary), 1931	490,865	0	0	865,275	0	0
£	513,847	4	0	866,589	0	3
1932.						
Part 3. Navy - -	50,476,300	0	0	2,377,012	0	0
,, 4. Army - -	36,488,000	0	0	6,316,000	0	0
Army (Ordnance Factories) -	100	0	0	2,361,900	0	0
,, 5. Air Force - -	17,400,000	0	0	2,302,700	0	0
£	104,364,400	0	0	13,357,612	0	0

SCHEDULE (B.)—Appropriations of Grants—*cont.*

Sched. (B.) Appropriations of Grants.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	*s.*	*d.*	£	*s.*	*d.*
Part 6. Civil, Class I. -	1,963,914	0	0	2,222,607	0	0
„ 7. Civil, Class II. -	4,835,810	0	0	720,935	0	0
„ 8. Civil, Class III. -	15,495,257	0	0	2,332,078	0	0
„ 9. Civil, Class IV. -	52,006,461	0	0	5,555,736	0	0
„ 10. Civil, Class V. -	141,293,519	0	0	9,523,062	0	0
„ 11. Civil, Class VI. -	11,081,660	0	0	3,197,927	0	0
„ 12. Civil, Class VII. -	8,637,101	0	0	1,260,730	0	0
„ 13. Civil, Class VIII.	49,855,860	0	0	1,196,410	0	0
„ 14. Civil, Class IX. -	45,046,459	0	0	6,473,541	0	0
Total, Civil £	330,216,041	0	0	32,483,026	0	0
Part 15. Revenue Departments, &c. -	71,817,785	0	0	2,830,254	0	0
Grand Total £	506,912,073	4	0	49,537,481	0	3

SCHEDULE (A.)

Sched. (A.)

Grants out of the Consolidated Fund.

	£	*s.*	*d.*
For the service of the year ended on the 31st day of March 1931—			
Under Act 22 Geo. 5. c. 14 - -	22,982	4	0
For the service of the year ending on the 31st day of March 1932—			
Under Act 22 Geo. 5. c. 14 - -	490,865	0	0
For the service of the year ending on the 31st day of March 1933—			
Under Act 22 Geo. 5. c. 14 - -	201,608,000	0	0
Under this Act - - - - -	304,790,226	0	0
Total - - - - - -	£506,912,073	4	0

Sched. (B.)
Part 1.
Civil Departments Excesses, 1930.

SCHEDULE (B.)—Part 1.

Civil Departments Excesses, 1930.

Sums granted to make good Excesses on certain Grants for Civil Departments for the Year ended 31st March 1931.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
CLASS VI.	£	s.	d.	£	s.	d.
Beet Sugar Subsidy, Great Britain - - - -	22,972	4	0	—		
CLASS VII.						
Public Buildings Overseas -	10	0	0	1,314	0	3
£	22,982	4	0	1,314	0	3

Sched. (B.)
Part 2.
Civil and Revenue Departments (Supplementary), 1931.

SCHEDULE (B.)—Part 2.

Civil and Revenue Departments (Supplementary), 1931.

Schedule of Supplementary Sums granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1932, viz. :—

	Sums not exceeding	
CIVIL.	Supply Grants.	Appropriations in Aid.
Class I.	£	£
For the Salaries and Expenses of the Civil Service Commission - - -	1,550	*— 6,375
For the Salaries and Expenses of the Mint, including the Expenses of Coinage, and the Expenses of the preparation of Medals, Dies for Postage and other Stamps, and His Majesty's Seals - - - - -	100	1,000,000
Carried forward - - - £	1,650	993,625

* Deficit.

SCHEDULE (B.)—Part 2—*continued.*

Sched. (B.) Part 2. Civil and Revenue Departments (Supplementary), 1931.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*	£	£
Brought forward - -	1,650	993,625
Class II.		
For the Salaries and Expenses of the Department of His Majesty's Secretary of State for Foreign Affairs -	1,500	*— 1,500
For the Expenses in connection with His Majesty's Embassies, Missions, and Consular Establishments Abroad, and other Expenditure chargeable to the Consular Vote; certain special Grants, including a Grant in Aid; Sundry Services arising out of the War; and a Loan to the European Commission of the Danube - - - - -	89,700	*— 70,000
For sundry Colonial and Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants in aid - - - - - -	34,750	—
Class III.		
For such of the Salaries and Expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other Expenses - -	1,290	*— 2,375
Class VI.		
For the Salaries and Expenses of certain Services transferred from the Mercantile Marine Fund and other Services connected with the Mercantile Marine, including the Coastguard, General Register and Record Office of Shipping and Seamen, Merchant Seamen's Fund Pensions, and Grants to the General Lighthouse Fund and other Lighthouse Authorities - - - - -	45,000	*— 62,500
Carried forward - - £	173,890	857,250

* Deficit.

Sched. (B.)
Part 2.
Civil and
Revenue
Departments
(Supplementary),
1931.

SCHEDULE (B.)—Part 2—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*	£	£
Brought forward - -	173,890	857,250
Class VII.		
For Rates and Contributions in lieu of Rates, &c., in respect of Property in the occupation of the Crown for the Public Service, and for Rates on Buildings occupied by Representatives of British Dominions and of Foreign Powers; and to pay the Salaries and Expenses of the Rating of Government Property Department, and a Grant in Aid of the Expenses of the London Fire Brigade - - -	156,975	8,025
For Stationery, Printing, Paper, Binding and Printed Books for the Public Service; to pay the Salaries and Expenses of the Stationery Office; and for sundry Miscellaneous Services, including Reports of Parliamentary Debates - -	85,000	—
REVENUE DEPARTMENTS.		
For the Salaries and Expenses of the Inland Revenue Department - -	75,000	—
Total, Civil and Revenue Departments - - £	490,865	865,275

SCHEDULE (B.)—Part 3.

Sched. (B.)
Part 3.
Navy.

NAVY.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Navy Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1933; viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For wages, &c., to 92,275 officers, seamen, and boys, and royal marines, and civilians employed on fleet services - - - -	12,627,000	57,049
2. For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - -	3,074,300	649,451
3. For medical services, including the cost of medical establishments at home and abroad - - -	380,700	71,176
4. For the fleet air arm - - -	1,025,000	—
5. For educational services - - -	218,400	59,930
6. For scientific services - - -	473,800	68,524
7. For the royal naval reserve, the royal fleet reserve, and the royal naval volunteer reserve, &c. -	350,000	350
8. Sect. 1. For the personnel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - - -	6,324,700	62,555
Carried forward - - £	24,473,900	969,035

SCHED. (B.)
PART 3.
Navy.

SCHEDULE (B.)—PART 3—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	24,473,900	969,035
No. 8. Sect. 2. For the matériel for shipbuilding, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - -	4,464,750	722,800
,, Sect. 3. For contract work for shipbuilding, repairs, &c. - - -	5,193,200	44,970
9. For naval armaments - - -	3,488,200	256,025
10. For works, buildings and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants, and other charges connected therewith - - -	2,245,700	275,000
11. For various miscellaneous effective services - - - - -	641,250	63,197
12. For the Admiralty Office - -	1,104,300	11,283
13. For non-effective services (naval and marine)—officers - - -	3,093,500	13,205
14. For non-effective services (naval and marine)—men - - - - -	4,727,800	18,550
15. For civil superannuation, compensation allowances and gratuities -	1,043,700	2,947
TOTAL, NAVY SERVICES £	50,476,300	2,377,012

SCHEDULE (B.)—Part 4.

Sched. (B.)
Part 4.
Army.

ARMY.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Army Services herein particularly mentioned, which will come in course of payment during the year ending on 31st day of March 1933; viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the pay, &c., of His Majesty's Army (to a number not exceeding 148,700) at home and abroad (exclusive of His Majesty's Indian Possessions other than Aden) -	9,039,000	2,622,000
2. For the Army Reserve (to a number not exceeding 125,600), the Supplementary Reserve (to a number not exceeding 24,622), the Territorial Army (to a number not exceeding 170,527), the Officers' Training Corps, and Colonial Militia, &c. - - - -	4,001,000	43,200
3. For medical services - - -	895,000	40,600
4. For educational establishments -	769,000	135,000
5. For quartering and movements -	1,287,000	728,000
6. For supplies, road transport and remounts - - - -	3,896,000	307,000
7. For clothing - - - - -	1,019,000	120,000
8. For general stores - - - -	1,166,000	198,000
9. For warlike stores, including technical establishments - - - -	2,000,000	695,000
Carried forward - - £	24,072,000	4,888,800

Sched. (B.)
Part 4.
Army.

SCHEDULE (B.)—Part 4—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	24,072,000	4,888,800
No. 10. For works, buildings, and lands, including military and civilian staff and other charges in connection therewith - - - -	2,421,000	246,000
11. For miscellaneous effective services -	879,000	182,000
12. For the War Office - - -	810,000	8,000
13. For rewards, half-pay, retired pay, widows' pensions, and other non-effective charges for officers -	3,528,000	511,100
14. For the Royal Hospital, Chelsea, and Kilmainham hospital, out-pensions, rewards for distinguished service, widows' pensions, and other non-effective charges for warrant officers, non-commissioned officers, men, &c. - - -	4,518,000	480,000
15. For civil superannuation, compensation and additional allowances, gratuities, injury grants, &c. -	260,000	100
Total, Army Services £	36,488,000	6,316,000
Army (Ordnance Factories).		
For the ordnance factories, the cost of productions of which will be charged to the army, navy, air force and Indian, Dominion and Colonial Governments - - - - -	100	2,361,900
Total Army Services (including Ordnance Factories) - - £	36,488,100	8,677,900

SCHEDULE (B.)—Part 5.

Sched. (B.)
Part 5.
Air.

AIR.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Air Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1933, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the pay, &c., of 32,000 of all ranks of the Royal Air Force (exclusive of those serving in His Majesty's Indian Possessions, other than Aden) - - -	3,930,000	620,000
2. For the quartering, stores (except technical), supplies, and transport	1,590,000	114,000
3. For technical and warlike stores (including experimental and research services) - - - -	7,350,000	1,119,000
4. For works, buildings, repairs, and lands, including civilian staff, and other charges connected therewith	1,650,000	181,500
5. For medical services - - -	295,000	15,000
6. For technical training and educational services - - - -	423,000	10,000
7. For auxiliary and reserve forces (including 12,550 of all ranks of the Royal Air Force Reserve, 527 of all ranks of the Special Reserve and 1,427 of all ranks of the Auxiliary Air Force) - -	516,000	200
8. For Civil Aviation - - -	473,000	193,000
9. For the meteorological and miscellaneous effective services - -	242,000	25,000
10. For the Air Ministry - - -	645,000	3,000
11. For rewards, half-pay, retired pay, widows' pensions, and other non-effective services - - -	286,000	22,000
Total Air Services - £	17,400,000	2,302,700

Sched. (B.)
Part 6.
Civil.
Class I.

SCHEDULE (B.)—Part 6.

CIVIL.—Class I.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1933, viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the offices of the House of Lords -	52,695	11,400
2.	For the salaries and expenses of the House of Commons - - -	336,724	10,500
3.	For expenses under the Representation of the People Acts, 1918 to 1928 - - - - -	230,000	—
4.	For the salaries and other expenses in the department of His Majesty's Treasury and subordinate departments - - - - -	310,717	19,588
5.	For the salaries and expenses of the department of His Majesty's most Honourable Privy Council - -	9,455	6,000
6.	For the salaries and expenses of the office of the Lord Privy Seal -	3,282	—
7.	For the salaries and expenses of the Charity Commission for England and Wales - - - -	39,154	3,400
8.	For the salaries and expenses of the Civil Service Commission - -	24,895	39,000
	Carried forward - - £	1,006,922	89,888

SCHEDULE (B.)—Part 6—*continued.*

Sched. (B.)
Part 6.
Civil.
Class I.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	1,006,922	89,888
No. 9. For the salaries and expenses of the department of the Comptroller and Auditor General - - -	139,250	9,099
10. For making good the deficiency on the Income Account of the Fund for Friendly Societies - - -	6,065	—
11. For the salaries and expenses of the department of the Government Actuary - - - - -	33,415	1,500
12. For the salaries and expenses of the Department of the Government Chemist - - - - -	66,266	708
13. For a grant-in-aid of the Government Hospitality Fund - -	10,000	—
14. For the salaries and expenses of the Mint, including the expenses of coinage, and the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - -	150,000	2,049,000
15. For the salaries and expenses of the National Debt Office - - -	1,687	25,500
16. For the salaries and expenses of the National Savings Committee -	82,682	—
17. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - -	37,448	550
Carried forward - - £	1,533,735	2,176,245

Sched. (B.)
Part 6.
Civil.
Class I.

SCHEDULE (B.)—Part 6—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	1,533,735	2,176,245
No.		
18. For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - -	100	23,697
19. For making the payment due to the Local Loans Fund in respect of advances in Northern Ireland and to make good certain sums written off from the assets of the Local Loans Fund - - - -	88,890	—
20. For the salaries and other expenses of Royal Commissions, Committees, and Special Inquiries, &c., including provision for Shorthand and the expenses of surplus stores, &c., liquidation - - - -	72,000	10,065
21. For certain miscellaneous expenses, including certain grants-in-aid and bonus on certain statutory salaries - - - - -	5,708	11,250
22. For His Majesty's foreign and other secret services - - - -	180,000	—
23. For the salaries and expenses of the Scottish office; expenses under the Private Legislation Procedure (Scotland) Act, 1899; a subsidy for transport services to the Western Highlands and Islands; a grant in lieu of Land Tax; and a contribution towards the expenses of Probation - - - - - -	77,760	1,350
24. For repayment to the Civil Contingencies Fund of certain Miscellaneous advances - - - -	5,721	—
Total, Civil, Class I. - £	1,963,914	2,222,607

SCHEDULE (B.)—PART 7.

SCHED. (B.)
PART 7.
Civil.
Class II.

CIVIL.—CLASS II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1933, viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. 1. For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs - - - - -	184,927	103,849
2. For the expenses in connection with His Majesty's embassies, missions and consular establishments abroad, and other expenditure chargeable to the Consular Vote, certain special grants, including a grant-in-aid, sundry services arising out of the War and a loan to the European Commission of the Danube - - - -	1,293,456	435,926
3. For a contribution towards the expenses of the League of Nations and for other expenses in connection therewith, including British Representation before the Permanent Court of International Justice - - - - -	182,000	—
Carried forward - - £	1,660,383	539,775

Sched. (B.)
Part 7.
Civil.
Class II.

SCHEDULE (B.)—Part 7—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	1,660,383	539,775
No. 4. For the salaries and expenses of the Department of His Majesty's Secretary of State for Dominion Affairs - - - - -	50,225	45,000
5. For sundry Dominion services, including a grant-in-aid, and for expenditure in connection with ex-service men in the Irish Free State, and for a grant-in-aid to the Irish Free State in respect of compensation to transferred officers -	97,324	—
6. For a grant-in-aid of the Empire Marketing Fund - - - -	320,000	—
7. For the expenses connected with Oversea Settlement, and expenses arising out of the Empire Settlement Act, 1922 - - - -	91,400	17,500
8. For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies	146,875	2,290
9. For sundry Colonial and Middle Eastern services under His Majesty's Secretary of State for the Colonies, including certain non-effective services, and grants-in-aid	1,318,456	116,370
Carried forward - £	3,684,663	720,935

SCHEDULE (B.)—Part 7—*continued.*

Sched. (B.)
Part 7.
Civil.
Class II.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	3,684,663	720,935
No. 10. For a Grant in Aid of the Colonial Development Fund and for Grants towards Interest on certain Overseas Loans - - - - -	700,500	—
11. For a contribution towards the cost of the department of His Majesty's Secretary of State for India in Council, including a grant in aid -	114,610	—
12. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom, and a grant in aid of the Imperial War Graves Commission Fund, formed under Royal Charter, 21st May 1917, and a contribution towards an endowment fund - - -	336,037	—
Total, Civil, Class II. - £	4,835,810	720,935

SCHED. (B.)
PART 8.
Civil.
Class III.

SCHEDULE (B.)—PART 8.

CIVIL.—CLASS III.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1933, viz. :—

	Sums not exceeding	
No.	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices, including liquidation expenses of the Royal Irish Constabulary and contributions towards the expenses of probation - - - - -	456,123	57,333
2. For the expenses of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum -	63,585	4,488
3. For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District; bonus to Metropolitan Police Magistrates; the contribution towards the expenses of the Metropolitan Police; the salaries and expenses of the Inspectors of Constabulary; and other grants in respect of Police Expenditure, including places of detention; a grant in aid of the Police Federation, and a contribution towards the expenses of the International Criminal Police Commission - - - -	10,133,025	255
Carried forward - - £	10,652,733	62,076

SCHEDULE (B.)—Part 8—*continued.*

Sched. (B.)
Part 8.
Civil.
Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	10,652,733	62,076
No.		
4. For the salaries and expenses of the office of the Prison Commissioners and of the prisons in England and Wales - - - - - -	944,110	210,000
5. For grants in respect of the maintenance of juvenile offenders in reformatory and industrial schools in England and Wales, and whilst under supervision in auxiliary homes or elsewhere; also for the payment of salaries and other expenses in connection with the collection of parental contributions towards the maintenance of such children - - - - -	197,684	14,530
6. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, including bonus on certain statutory salaries, and a grant in aid, and the salaries and expenses of pensions appeals tribunals - - - - -	100	477,582
7. For the salaries and expenses connected with the County Courts, including bonus to County Court Judges - - - - -	100	723,458
8. For the salaries and expenses of the office of Land Registry - -	100	172,850
9. For the salaries and expenses of the office of Public Trustee - -	100	229,333
Carried forward - - £	11,794,927	1,889,829

Sched. (B.)
Part 8.
Civil.
Class III.

SCHEDULE (B.)—Part 8—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	11,794,927	1,889,829
No. 10. For the salaries of the law officers department, the salaries and expenses of the departments of His Majesty's Procurator-General and of the Solicitor for the Affairs of His Majesty's Treasury, and of the department of the Director of Public Prosecutions, the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - - -	118,064	37,678
11. For certain miscellaneous legal expenses, for the salaries and expenses of arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, and for a grant in aid of the expenses of the Law Society - -	36,428	4,200
12. For the salary and expenses of the Inspector of Constabulary, grants in respect of Police expenditure and a grant in aid of the Police Federation in Scotland - -	1,062,452	—
13. For the salaries and expenses of the Prisons Department for Scotland and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory and the preparation of judicial statistics - - -	124,127	17,850
Carried forward - - £	13,135,998	1,949,557

SCHEDULE (B.)—Part 8—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	13,135,998	1,949,557
No. 14. For the expense of the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools, and in auxiliary homes in Scotland, including the expenses of collection of parental contributions - - - -	48,643	4,260
15. For the salaries and expenses of the office of the Scottish Land Court, including bonus to members of the Court - - - - - -	8,368	425
16. For the salaries and expenses of the Lord Advocate's department and other law charges, the salaries and expenses of the Courts of Law and Justice and of pensions appeals tribunals in Scotland, and bonus on certain statutory salaries - - - - -	43,185	145,750
17. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - -	100	63,018
18. For the cost of certain Northern Ireland services, including expenditure in connection with ex-service officers and men in Northern Ireland, and bonus on certain statutory salaries - - -	11,677	6,243
Carried forward - - £	13,247,971	2,169,253

SCHEDULE (B.)—PART 8—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	13,247,971	2,169,253
No. 19. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other expenses - - -	18,111	28,075
20. For the salaries and expenses of the Land Purchase Commission, Northern Ireland, including the payment of land purchase annuities in Northern Ireland and the expenses of certain land purchase services in the Irish Free State reserved as an imperial liability -	2,229,175	134,750
TOTAL, CIVIL, CLASS III. - £	15,495,257	2,332,078

SCHEDULE (B.)—Part 9.

Sched. (B.) Part 9. Civil. Class IV.

CIVIL.—Class IV.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1933, viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid - - - - - -	42,892,676	4,844,155
2. For the salaries and other expenses of the British Museum, including a grant in aid - - - -	162,982	28,008
3. For the salaries and other expenses of the British Museum (Natural History), including a grant in aid	98,530	2,220
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid of purchases - -	11,415	845
5. For the salaries and expenses in respect of the London Museum, Lancaster House, including a grant in aid - - - -	5,524	1,060
6. For the salaries and expenses of the National Gallery, and of the National Gallery of British Art, Millbank, including a grant in aid for the purchase of pictures - -	23,052	2,385
Carried forward - £	43,194,179	4,878,673

Sched. (B.)
Part 9.
Civil.
Class IV.

SCHEDULE (B.)—Part 9—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	43,194,179	4,878,673
7.	For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits - - - - -	7,144	1,600
8.	For the salaries and expenses of the Wallace Collection - - -	10,711	1,255
9.	For sundry grants in aid of scientific investigation, &c., and other grants - - - - - -	197,541	3,000
10.	For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in Great Britain and for a grant in aid of the British Post Graduate Medical School - - - - -	1,745,000	—
11.	For public education in Scotland, and for the Royal Scottish Museum, Edinburgh, including sundry grants in aid - - -	6,842,771	665,766
12.	For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities, including a grant in aid - - - - - -	8,660	304
13.	For the salaries and expenses of the National Library, Scotland, including a grant in aid - -	455	5,138
	Total, Civil, Class IV. £	52,006,461	5,555,736

SCHEDULE (B.)—PART 10.

SCHED. (B.)
PART 10.
Civil.
Class V.

CIVIL.—CLASS V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1933, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For the salaries and expenses of the Ministry of Health, including grants and other expenses in connection with Housing, certain grants to local authorities, &c., grants in aid in respect of benefits and expenses of administration under the National Health Insurance Acts, certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Acts and other services - - - - -	19,336,320	1,994,500
2. For the salaries and expenses of the Board of Control, England, including expenses under the Lunacy and Mental Treatment Acts and the Mental Deficiency Acts, and grants in respect of the maintenance of certain ex-service mental patients - - - -	142,715	24,564
3. For the salaries and expenses of the department of the Registrar-General of Births, &c. - - -	142,060	23,800
Carried forward - - £	19,621,095	2,042,864

Sched. (B.)
Part 10.
Civil.
Class V.

SCHEDULE (B.)—Part 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. Brought forward - -	19,621,095	2,042,864
4. For the salaries and expenses of the audit staff under the National Health Insurance Acts, 1924 to 1928 - - - - - -	162,610	3,870
5. For the salaries and expenses of the Registry of Friendly Societies -	45,054	5,350
6. For the payment of Old Age Pensions, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920 - - -	39,778,000	5,000
7. For the Treasury Pensions Account in accordance with the provision of the Widows', Orphans' and Old Age Contributory Pensions Act, 1929 - - - - -	11,000,000	—
8. For the salaries and expenses of the Ministry of Labour and Subordinate Departments, including sums payable by the Exchequer to the Unemployment Fund, grants to associations, local authorities and others under the Unemployment Insurance, Labour Exchanges and other Acts; expenses of the Industrial Court; contribution towards the expenses of the International Labour Organisation (League of Nations), expenses of training and removal of workers and their dependants, and sundry services, including services arising out of the war -	64,458,000	7,205,000
Carried forward - - £	135,064,759	9,262,084

SCHEDULE (B.)—Part 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	135,064,759	9,262,084
No.		
9. For grants to local authorities, &c., in pursuance of Part II. of the Development (Loan Guarantees and Grants) Act, 1929, and for payments in respect of certain grants made prior to 31st day of August 1929, in respect of employment schemes - - -	3,500,000	—
10. For the salaries and expenses of the Department of Health for Scotland, including grants and other expenses in connection with housing, certain grants to local authorities, &c., grant in aid of the Highlands and Islands medical service, grants in aid of benefits and expenses of administration under the National Health Insurance Acts, certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Acts, and other services - - - - - -	2,692,002	258,738
11. For the salaries and expenses of the General Board of Control for Scotland, including expenses under the Lunacy (Scotland) and Mental Deficiency (Scotland) Acts, and grants in respect of the maintenance of certain ex-service mental patients - - - - - -	16,920	490
12. For the salaries and expenses of the department of the Registrar General of Births, &c., in Scotland -	19,838	1,750
Total, Civil, Class V. £	141,293,519	9,523,062

Sched. (B.)
Part 11.
Civil.
Class VI.

SCHEDULE (B.)—Part 11.

CIVIL—Class VI.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1933, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. 1. For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including certain Services arising out of the War -	179,690	468,529
2. For the salaries and expenses of the Board of Trade under the Bankruptcy Acts, 1914 and 1926, and the Economy (Miscellaneous Provisions) Act, 1926 - - -	100	158,185
3. For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine, including the Coastguard, General Register and Record Office of Shipping and Seamen and Merchant Seamen's Fund Pensions - - - -	379,450	247,461
Carried forward - - £	559,240	874,175

SCHEDULE (B.)—Part 11—*continued.*

Sched. (B.)
Part 11.
Civil.
Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	559,240	874,175
No.		
4. For the salaries and expenses of the Department of Overseas Trade, including grants in aid of the Imperial Institute and the Travel Association of Great Britain -	375,773	141,355
5. For guarantees in respect of exports of goods wholly or partly produced or manufactured in the United Kingdom and for the salaries and expenses of the Export Credits Guarantee Department - -	100	265,146
6. For the salaries and expenses of the Mines Department of the Board of Trade - - - - - -	218,595	31,865
7. For the salaries and expenses of the office of Commissioners of Crown Lands, including bonus to Commissioner and Secretary -	32,190	—
8. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants and grants in aid in respect of agricultural education and research, eradication of diseases of animals, and fishery research; and grants, grants in aid, loans, and expenses in respect of improvement of breeding, &c., of live stock; land settlement, cultivation, improvement, drainage, &c.; regulation of agricultural wages, agricultural credits, co-operation, and marketing; fishery development; and sundry other services.	2,005,918	495,995
Carried forward - £	3,191,816	1,808,536

SCHED. (B.)
PART 11.
Civil.
Class VI.

SCHEDULE (B.)—PART 11—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	3,191,816	1,808,536
No. 9. For a subsidy on sugar and molasses manufactured from beet grown in Great Britain - - - -	2,400,000	—
10. For the expenses of the survey of Great Britain and of minor services connected therewith -	134,340	99,345
11. For a grant in aid of the Forestry Fund - - - - -	447,000	—
12. For the salaries and expenses of the Ministry of Transport, under the Ministry of Transport Act, 1919; expenses of the Railway Rates Tribunal under the Railways Act, 1921; expenses under the London Traffic Act, 1924; expenses in respect of advances under the Light Railways Act, 1896; expenses of maintaining Holyhead Harbour; advances to meet deficit in Ramsgate Harbour Fund; advances to Caledonian and Crinan Canals; and for expenditure in connection with the Severn Barrage Investigation -	105,964	363,490
13. For advances to the Road Fund -	2,750,000	—
Carried forward - -	9,029,120	2,271,371

SCHEDULE (B.)—Part 11—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward	9,029,120	2,271,371
14.	For a grant in aid of the Development Fund	375,000	—
15.	For grants to public utility undertakings in Great Britain	650,000	—
16.	For the salaries and expenses of the Department of Scientific and Industrial Research, including the Geological Survey of Great Britain and Museum of Practical Geology, and a grant in aid	475,399	217,685
17.	For the salaries and expenses of the State Management Districts, including the salaries of the central office, and the cost of provision and management of licensed premises	100	585,660
18.	For the salaries and expenses of the Department of Agriculture for Scotland, including grants for land improvement, agricultural education, research and marketing, loans to co-operative societies, a grant under the Agricultural Credits (Scotland) Act, 1929, a grant in respect of the Hebridean Drifter Service and certain grants in aid	476,647	104,966
19.	For the salaries and expenses of the Fishery Board for Scotland, including expenses of marine superintendence, and grant in aid of piers or quays	75,394	18,245
	Total, Civil, Class VI. £	11,081,660	3,197,927

Sched. (B.)
Part 12.
Civil.
Class VII.

SCHEDULE (B.)—Part 12.

CIVIL.—Class VII.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1933, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
No.	£	£
1. For expenditure in respect of Art and Science buildings, Great Britain -	356,600	21,470
2. For expenditure in respect of Houses of Parliament buildings -	96,410	700
3. For expenditure in respect of Employment Exchange and Insurance buildings, Great Britain (including Ministries of Labour and Health and the Department of Health for Scotland) - - -	618,720	11,965
4. For expenditure in respect of miscellaneous legal buildings, including the whole additional cost of a new Sheriff Court House at Edinburgh - - - -	150,400	1,150
Carried forward - - £	1,222,130	35,285

SCHEDULE (B.)—Part 12—*continued.*

Sched. (B.)
Part 12.
Civil.
Class VII.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	1,222,130	35,285
No. 5. For expenditure in respect of Osborne - - - - -	13,970	5,035
6. For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings - - - - -	573,170	160,635
7. For expenditure in respect of sundry public buildings in Great Britain, not provided for on other Votes, including Historic Buildings, Ancient Monuments, Brompton Cemetery and certain Housing Estates - - -	1,135,540	168,380
8. For expenditure in respect of public buildings overseas - - -	143,140	9,755
9. For expenditure in respect of royal palaces, including a grant in aid -	69,900	10,000
10. For expenditure in respect of Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, certain Post Offices abroad, and for certain expenses in connection with boats and launches belonging to the Customs and Excise Department - - - - - -	1,262,300	24,550
Carried forward - - £	4,420,150	413,640

Sched. (B.)
Part 12.
Civil.
Class VII.

SCHEDULE (B.)—Part 12—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	4,420,150	413,640
No. 11. For expenditure in respect of royal parks and pleasure gardens - -	188,120	46,270
12. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the Public Service, and for rates on buildings occupied by Representatives of British Dominions and of Foreign Powers; and to pay the salaries and expenses of the Rating of Government Property Department, and a grant in aid of the expenses of the London Fire Brigade - - - -	2,021,730	24,185
13. For stationery, printing, paper, binding, and printed books for the public service; to pay the salaries and expenses of the Stationery Office; and for sundry miscellaneous services, including reports of Parliamentary Debates - -	1,860,751	731,450
14. For the expense of constructing a new harbour of refuge at Peterhead - - - - -	29,000	—
15. For expenditure in respect of public works and buildings in Ireland -	117,350	45,185
Total, Civil, Class VII. £	8,637,101	1,260,730

SCHEDULE (B.)—PART 13.

SCHED. (B.)
PART 13.
Civil.
Class VIII.

CIVIL.—CLASS VIII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1933, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. 1. For War pensions and allowances (including cost of treatment) to merchant seamen and fishermen and their dependants and the administrative expenses connected therewith - - - - -	335,523	—
2. For the salaries and expenses of the Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916, the War Pensions Acts, 1915 to 1921, and sundry services -	47,243,800	21,500
3. For the expenses of pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows and children of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments - -	664,804	1,116,910
Carried forward - £	48,244,127	1,138,410

Sched. (B.) Part 13. Civil. Class VIII.

SCHEDULE (B.)—Part 13—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	48,244,127	1,138,410
4.	For superannuation, compensation, compassionate and additional allowances and gratuities under sundry Statutes; compassionate allowances, gratuities, and supplementary pensions awarded by the Treasury; and, under the Government of Ireland Act, 1920, by the Civil Service Committee -	1,611,733	58,000
	Total, Class VIII. - £	49,855,860	1,196,410

Sched. (B.) Part 14. Civil. Class IX.

SCHEDULE (B.)—Part 14.

CIVIL.—Class IX.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1933, viz. :—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For grants to local authorities in England and Wales, authorised by Part VI of the Local Government Act, 1929 - - - - -	39,360,000	5,790,000
2.	For grants to local authorities in Scotland authorised by the Local Government (Scotland) Act, 1929	5,686,459	683,541
	Total. Class IX. - £	45,046,459	6,473,541

SCHEDULE (B.)—Part 15.

Sched. (B.) Part 15. Revenue Departments, &c.

REVENUE DEPARTMENTS, &c.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Revenue Departments, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1933, viz.:—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. 1. For the salaries and expenses of the Customs and Excise Department	5,330,200	201,000
2. For the salaries and expenses of the Inland Revenue Department -	7,299,585	194,000
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	59,188,000	2,435,254
Total, Revenue Departments - £	71,817,785	2,830,254

Sched. (C.)
Part I.
Navy
Services.
Section 5.

SCHEDULE (C.)—Part I.

Navy Services, 1930. Votes.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
1. Wages, &c., of Officers, Seamen, Boys and Royal Marines and Civilians employed on Fleet Services.	—	—	49,376 18 6	4,397 15 10
2. Victualling and Clothing	—	—	24,908 14 0	5,811 0 2
3. Medical Establishments and Services.	—	6,474 16 8	15,170 8 11	—
4. Fleet Air Arm	—	—	—	—
5. Educational Services	—	1,914 19 3	8,392 18 9	—
6. Scientific Services	—	2,200 6 9	12,035 11 7	—
7. Royal Naval Reserves	3,685 3 2	—	—	37 9 11
8. Shipbuilding, Repairs, Maintenance, &c.—				
I. Personnel	310 7 2	—	—	8,163 8 8
II. Matériel	—	65,030 1 3	29,176 18 4	—
III. Contract Work	—	—	23,519 4 9	16,553 4 8
9. Naval Armaments	—	67,724 2 3	63,899 13 1	—
10. Works, Buildings and Repairs.	—	—	34,026 10 4	4,284 6 11
11. Miscellaneous Effective Services.	—	—	11,581 17 2	5,160 18 8
12. Admiralty Office	—	—	6,865 0 11	2,959 14 3
13. Non-effective Services (Naval and Marine)—Officers.	—	—	4,335 15 11	1,492 0 2
14. Non-effective Services (Naval and Marine)—Men.	2,411 6 9	8,358 10 8	—	—
15. Civil Superannuation, Compensation Allowances and Gratuities.	1,306 6 1	—	—	313 1 1
Balances Irrecoverable and Claims abandoned.	5,032 12 10	—	—	—
	12,745 16 0	151,702 16 10	283,289 12 3	49,173 0 4
	Total Deficits : £164,448 12*s.* 10*d.*		Total Surpluses : £332,462 12*s.* 7*d.*	
	Net Surplus : £168,013 19*s.* 9*d.*			

SCHEDULE (C.)—Part II.

Sched. (C.)
Part II.
Army
Services.
Section 5.

Army Services, 1930, Votes.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
1. Pay, &c., of the Army -	—	399,680 6 7	308,073 13 10	—
2. Territorial Army and Reserve Forces - -	—	3,317 12 6	140,311 6 4	—
3. Medical Services - -	—	4,992 17 6	33,807 16 10	—
4. Educational Establishments	—	—	6,173 16 6	9,808 2 7
5. Quartering and Movements	—	26,519 7 11	87,487 15 7	—
6. Supplies, Road Transport and Remounts - -	—	7,285 12 5	364,357 13 9	—
7. Clothing - - -	—	—	1,514 19 1	35,539 4 10
8. General Stores - - -	—	—	100,285 7 8	18,431 11 5
9. Warlike Stores - - -	23,112 5 5	—	—	78,733 10 8
10. Works, Buildings and Lands	—	16,033 9 3	1,339 19 3	—
11. Miscellaneous Effective Services - - -	65,075 19 5	—	—	28,049 1 7
12. War Office - - -	—	40 7 5	22,640 13 11	—
13. Half-pay, Retired Pay and other non-effective Charges for Officers -	—	141,305 18 11	85,198 15 4	—
14. Pensions and other Non-effective Charges for Warrant Officers Non-commissioned Officers, men and others - -	22,473 3 6	182,109 12 11	—	—
15. Civil Superannuation Compensation and Gratuities	—	100 0 0	2,187 0 7	—
Balances Irrecoverable and Claims Abandoned - -	4,570 10 8	—	—	—
	115,231 19 0	781,385 5 5	1,153,378 18 8	170,561 11 1
	Total Deficits : £896,617 4*s.* 5*d.*		Total Surpluses : £1,323,940 9*s.* 9*d.*	
	Net Surplus : £427,323 5*s.* 4*d.*			

SCHED. (C.)
PART III.
Air Services.
Section 5.

SCHEDULE (C.)—PART III.

AIR SERVICES, 1930, VOTES.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c. of the Air Force -	—	—	176 12 3	19,975 5 6
2. Quartering Stores (except Technical), Supplies and Transport - - -	—	—	36,474 6 6	1,092 13 0
3. Technical and Warlike Stores (including Experimental and Research Services) - - - -	97,676 11 5	—	—	12,619 14 8
4. Works, Buildings and Lands - - - -	—	935 1 8	114,202 17 4	—
5. Medical Services - -	—	3,793 16 6	11,078 17 8	—
6. Educational Services - -	—	—	2,597 9 4	4,333 9 8
7. Auxiliary and Reserve Forces - - - -	—	—	3,027 15 6	221 12 0
8. Civil Aviation - - -	—	3,009 14 4	63,024 5 10	—
9. Meteorological Services -	—	1,184 14 6	10,147 11 5	—
Miscellaneous Effective Services - - - - -	—	—	5,811 2 5	2,707 2 2
10. Air Ministry - - -	—	—	9,737 12 7	463 7 7
11. Half-Pay, Pensions and other Non-effective Services - - - -	—	41 15 1	30,995 7 6	—
Balances Irrecoverable and Claims Abandoned - -	3,718 12 7	—	—	—
	101,395 4 0	8,965 2 1	287,273 18 4	41,413 4 7
	Total Deficits: £110,360 6*s.* 1*d.*		Total Surpluses: £328,687 2*s.* 11*d.*	
	NET SURPLUS: £218,326 16*s.* 10*d.*			

* * *

CHAPTER 51.

An Act to permit and regulate the opening and use of places on Sundays for certain entertainments and for debates, and for purposes connected with the matters aforesaid. [13th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Provisions as to cinematograph entertainments. 9 Edw. 7. c. 30.

1.—(1) The authority having power, in any area to which this section extends, to grant licences under the Cinematograph Act, 1909, may, notwithstanding anything in any enactment relating to Sunday observance, allow places in that area licensed under the said Act to be opened and used on Sundays for the purpose of cinematograph entertainments, subject to such conditions as the authority think fit to impose :

Provided that no place shall be allowed to be so opened and used unless among the conditions subject to which it is allowed to be so opened and used there are included conditions for securing—

(*a*) that no person will be employed by any employer on any Sunday in connection with a cinematograph entertainment or any other entertainment or exhibition given therewith who has been employed on each of the six previous days either by that employer in any occupation or by any other employer in connection with similar entertainments or exhibitions; and

(*b*) that such sums as may be specified by the authority not exceeding the amount estimated by the authority as the amount of the profits which will be received from cinematograph entertainments given while the place is open on Sundays, and from any other entertainment or exhibition given therewith, and calculated by reference to such estimated profits or to such proportion of them as the authority think fit, will be paid as to the prescribed percentage thereof, if any, to the authority for the purpose of being transmitted to the Cinematograph Fund constituted in accordance with the provisions of this Act, and as to the remainder thereof to such persons as may be specified by the authority for the purpose of being applied to charitable objects;

and for the purpose of any conditions imposed by an authority as to the payment of sums calculated by reference to such estimated profits as aforesaid, the profits shall be computed in such manner as the authority may direct.

(2) For the purposes of section four of the Cinematograph Act, 1909 (which contains provisions as to the enforcement of the conditions of licences) any conditions subject to which a place is allowed under this section to be opened and used on Sundays shall be deemed to be conditions of the licence granted under that Act in respect of the place.

(3) If, in any place allowed under this section to be opened and used on Sundays for the purpose of cinematograph entertainments, any person is employed on any Sunday contrary to the conditions subject to which the place was allowed to be so opened and used, and either—

(*a*) it is proved—

(i) that the employment was solely due to an emergency caused by a mechanical breakdown, or to the unavoidable absence of a skilled worker due to attend on that Sunday for whom no substitute could readily have been obtained; and

(ii) that the emergency was notified, within twenty-four hours after it occurred, to the authority by whom the place is licensed under the Cinematograph Act, 1909; and

(iii) that the person employed on that Sunday contrary to the said conditions received a day's rest in lieu of that Sunday; or

(*b*) it is proved—

(i) that the person was employed contrary to the said conditions only by reason of his having been employed on each of the six days previous to that Sunday in connection with similar entertainments or exhibitions by an employer other than the employer who employed him on that Sunday; and

(ii) that the last-mentioned employer had, after making due inquiry, reasonable ground for believing that he had not been so employed as aforesaid;

that employment shall be deemed not to have been a contravention of the conditions subject to which the place was allowed to be so opened and used as aforesaid.

(4) In the event of a contravention of any condition subject to which a place was allowed under this section to be opened and used on Sundays for the purpose of cinematograph entertainments, the person who held the licence for that place granted under the Cinematograph Act, 1909, shall be liable on summary conviction to a fine not exceeding twenty pounds, and shall, in the case of a contravention consisting of a failure to pay in accordance with the condition any sum thereby required to be paid to any authority or person, be liable to pay that sum as a debt due to that authority or person, as the case may be.

Any sum recoverable under this subsection may, if it does not exceed fifty pounds, be recovered summarily as a civil debt.

(5) This section extends to every area in which places licensed by the authority having power in that area to grant licences under the Cinematograph Act, 1909, were, within the period of twelve months ending on the sixth day of October, nineteen hundred and thirty-one, opened and used on Sundays for the purpose of cinematograph entertainments, in pursuance of arrangements purported to have been made with the authority, and shall also extend to any borough or county district to which it may be extended by an order laid before Parliament in accordance with the provisions of the Schedule to this Act, and approved by a resolution passed by each House of Parliament:

Provided that, if in any area the arrangements in pursuance of which places were so opened and used as aforesaid related only to specific occasional entertainments, then, unless and until it is extended to that area by such an order as aforesaid, this section shall extend to that area subject to the modification that the powers thereby conferred shall not be exercised with respect to more than two Sundays in any year.

Provisions as to Cinematograph Fund.

2.—(1) There shall be established under the direction and control of the Privy Council a fund, to be called the "Cinematograph Fund," and all sums paid to an authority in accordance with conditions imposed by them under the last foregoing section for the purpose of being transmitted to that fund shall be so transmitted at such times and in such manner as may be prescribed by regulations made by a Secretary of State and laid before Parliament.

(2) The moneys from time to time standing to the credit of the Cinematograph Fund shall, subject as hereinafter provided, be applied in such manner as may be directed by the Privy Council for the purpose of encouraging the use and development of the cinematograph as a means of entertainment and instruction:

Provided that a sum equal to the amount certified by the Treasury as the amount of the expenses incurred by the Privy Council in the administration of the said Fund shall be deducted annually from the Fund and applied in accordance with directions given by the Treasury as an appropriation in aid of the moneys provided by Parliament for the purposes of the Privy Council.

(3) The accounts of the Cinematograph Fund shall be kept in such form as may be directed by the Treasury, and an account showing the revenue and expenditure of the Fund shall be transmitted annually to the Comptroller and Auditor General, who shall certify and report upon the account, and the account and report shall be laid before Parliament.

Provision as to musical entertainments.

3. The power of any authority in any area to grant licences under any enactment for the regulation of places kept or ordinarily used for public dancing, singing, music, or other public entertainment of the like kind, shall include power to grant such licences in respect only of musical entertainments on Sundays, and the power to attach conditions to any such licence shall include power to attach special conditions in respect of such entertainments on Sundays.

Modification of Sunday Observance Acts.

4. No person shall be guilty of an offence or subject to any penalty under the Sunday Observance Acts, 1625 to 1780, by reason of his having managed, conducted, assisted at, or otherwise taken part in or attended or advertised—

(*a*) any cinematograph entertainment at any place allowed under this Act to be opened and used on Sundays for that purpose;

(*b*) any musical entertainment at any place licensed to be opened and used on Sundays for that purpose or at any place authorised by virtue of letters patent or royal charter to be kept or used for entertainments;

(*c*) any museum, picture gallery, zoological or botanical garden or aquarium;

(*d*) any lecture or debate;

or by reason of his being the keeper of any place opened and used on Sundays for the purpose of any cinematograph entertainment or musical entertainment for which it is allowed under this Act or licensed to be so opened and used, or of any museum, picture gallery, zoological or botanical garden or aquarium, or of any place at which a lecture or debate is held on Sunday.

Interpretation.

5. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Cinematograph entertainment" means the exhibition of pictures or other optical effects by means of a cinematograph or other similar apparatus, with or without the mechanical reproduction of sound:

"Contravention," in relation to any condition, includes a failure to comply with that condition:

"Musical entertainment" means a concert or similar entertainment consisting of the performance of music, with or without singing or recitation:

"Museum" includes any place permanently used for the exhibition of sculpture, casts, models, or other similar objects:

"Prescribed percentage" means such percentage, not exceeding five per cent., as a Secretary of State may, if he thinks fit, prescribe by regulations made by him and laid before Parliament:

1 Chas. 1. c. 1. 29 Chas. 2. c. 7. 21 Geo. 3. c. 49.

"Sunday Observance Acts, 1625 to 1780," means the Sunday Observance Act, 1625, the Sunday Observance Act, 1677, and the Sunday Observance Act, 1780.

Short title, extent and repeal.

6.—(1) This Act may be cited as the Sunday Entertainments Act, 1932.

21 & 22 Geo. 5. c. 52.

(2) The Sunday Performances (Temporary Regulation) Act, 1931, is hereby repealed, as from the thirtieth day of September, nineteen hundred and thirty-two.

(3) This Act shall not extend to Scotland or to Northern Ireland.

Section 1.

SCHEDULE.

EXTENSION OF POWERS TO ALLOW CINEMATOGRAPH ENTERTAINMENTS.

Power to submit Draft Orders to Secretary of State.

1. Subject to the provisions of this Schedule the council of any borough or county district may submit to the Secretary of State a draft order in the terms following, that is to say:—

> "In accordance with the provisions of the Sunday Entertainments Act, 1932, I, , one of His Majesty's Principal Secretaries of State, hereby order that as from the date on which this order has been approved by resolutions passed by both Houses of Parliament, section one of the said Act shall extend to the borough [*or* urban district *or* rural district] of ."

Provided that, before so submitting any such draft order, the council shall publish by means of placards and by advertisement in at least one newspaper circulated in the borough or district in two successive weeks a notice stating—

(*a*) the terms of the draft order; and

(*b*) that the council propose to submit the draft order to the Secretary of State.

Procedure in the case of Boroughs and Urban Districts.

2. The notice of a proposal to submit a draft order under this Schedule published by the council of any borough or urban district shall state that a public meeting of local government electors for the borough or urban district will be held on a day named, not being less than fourteen nor more than twenty-eight days after the first advertisement of the notice, for the purpose of considering the question of the submission of the draft order to the Secretary of State.

3. A public meeting of such electors as aforesaid shall be held in accordance with the notice, and in relation to the meeting and to any poll and other proceedings subsequent thereto, the provisions of paragraphs 3 to 16 of the First Schedule to the Borough Funds Act, 1903, shall apply as if for references therein to " the Bill " and to " the promotion of the Bill " there were substituted, respectively, references to " the draft order " and " the submission of the draft order," and as if for references to " the Minister of Health " there were substituted references to " the Secretary of State," so, however, that so much of the said paragraphs as relates to separate resolutions in favour of the promotion of any part or parts or clause or clauses of the Bill shall not apply.

Procedure in the case of Rural Districts.

4. The notice of a proposal to submit a draft order under this Schedule published by the council of any rural district shall state that an objection to the submission of the draft order may be made to them in writing by any local government elector for the district within a period specified in the notice, not being less than fourteen nor more than twenty-eight days after the first advertisement of the notice, and that if at the expiration of that period objections have been duly made and not withdrawn by at least one hundred such electors or one-twentieth in number of such electors, whichever may be the less, then the council will cause to be held a local inquiry into the question of the submission of the draft order to the Secretary of State upon such date, not being less than seven days after the expiration of the period aforesaid, and at such time and place as may be specified in the notice.

5. Any such inquiry as aforesaid shall, in accordance with the notice, be held in public by a person appointed by the Secretary of State, and any local government elector for the district shall, subject as hereinafter provided, be entitled to appear personally and be heard thereat, and the person holding the inquiry shall, after the conclusion thereof, report in writing to the council whether public opinion in the district appears to him

to be in favour of or against the extension of section one of this Act to the district:

Provided that the person holding the inquiry shall have power to conclude the inquiry when, in his opinion, he has received sufficient evidence to enable him to make the report aforesaid.

Submission of Draft Order to and by the Secretary of State.

6. No draft order shall be submitted to the Secretary of State under the provisions of this Schedule by the council of a borough or urban district unless the result of a poll under this Act, or the decision of a meeting of local government electors when final, is in favour of the submission thereof; and, except where by reason of there being no objection or an insufficient number of objections to the submission of the draft order an inquiry is not required under the foregoing provisions of this Schedule, no such draft order shall be so submitted by the council of a rural district unless the person by whom the inquiry was held has reported that public opinion in the district appears to him to be in favour of the extension of section one of this Act to the district.

Any such draft order submitted to the Secretary of State shall be accompanied, as the case may be, by a statement of the result of the poll or the decision of the meeting of local government electors, if final, certified by the mayor or chairman, or (except where an inquiry is not so required as aforesaid) by the report of the person by whom the inquiry was held, certified by him.

7. A draft order duly submitted to the Secretary of State in accordance with the foregoing provisions of this Schedule shall be laid by him before Parliament, together with a copy of the certified statement or report (if any) submitted to him therewith.

Supplementary.

8. Section five of the Borough Funds Act, 1903 (which relates to offences in relation to polls), shall apply in relation to polls held under this Schedule as it applies in relation to polls held under that Act.

9. Any expenses incurred by a council in connection with the holding of any meeting, poll, inquiry or other proceeding under this Schedule (including such fee to the person holding any such inquiry as may be determined by the Secretary of State) shall be defrayed by the council out of the general rate.

CHAPTER 52.

An Act to amend the enactments relating to National Health Insurance; to amend the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, by making provision for the payment of pensions thereunder in respect of the insurance of persons who cease to be insured within twelve months before death or before attaining the age of sixty-five, and by modifying the statutory conditions applicable to such pensions in the case of persons who, after ceasing to be insured, again become insured; to repeal subsection (7) of section forty-four of the said Act; and for purposes connected therewith.

[13th July 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendments of s. 3 of principal Act. 14 & 15 Geo. 5. c. 38.

1.—(1) After subsection (1) of section three of the National Health Insurance Act, 1924 (in this Act referred to as "the principal Act"), there shall be inserted the following subsection:—

> "(1A) Notwithstanding anything in subsection (1) of this section a person who becomes employed within the meaning of this Act while treated by virtue of any of the provisions of this section as insured shall not, on ceasing to be so employed, become entitled by reason thereof to the extension of insurance conferred by the said subsection (1) unless during the period consisting of the contribution half-year in which he so ceases to be employed and the immediately preceding contribution half-year he was employed within the meaning of this Act during at least eight contribution weeks."

(2) After the thirty-first day of December, nineteen hundred and thirty-three, no reduction (other than such

reductions, if any, as are authorised by or under any provisions of the principal Act not contained in section three thereof) shall be made in the rate of any benefit to which a person is entitled while treated as insured by virtue of subsection (3) of section three of the principal Act, and accordingly in that subsection for the words " subject to this modification " there shall be substituted the words " subject, however, until the " end of the year nineteen hundred and thirty-three to " this modification ".

(3) As from the first day of January, nineteen hundred and thirty-four, subsection (4) of the said section three shall cease to have effect, and accordingly at the beginning thereof there shall be inserted the words " Until the end of the year nineteen hundred and " thirty-three ".

(4) In subsection (5) of the said section three for the words " when he ceased to be employed within the meaning of this Act," there shall be substituted the words "when that subsection became applicable to him," and for the words from " and if he again becomes employed " to the end of the subsection, there shall be substituted the words " and if he again becomes employed within the meaning " of this Act, or becomes a voluntary contributor, he " shall be treated for the purposes of any benefit to " which he had ceased to be entitled as if he had not " previously been insured, subject to this qualification " that, if he so again became employed before the first " day of January, nineteen hundred and thirty-six, he " shall only be so treated until he has been so employed " during twenty-six contribution weeks, whether con- " tinuously or not, and twenty-six contributions have " been paid by or in respect of him."

(5) After subsection (5) of the said section three, there shall be inserted the following subsection :—

> "(5A) Where an insured person to whom subsection (3) of this section applies had not at the date when that subsection became applicable to him attained the age of sixty or had not then been continuously insured for ten years, the provisions of the last preceding subsection (including the proviso thereto) shall apply to him as they apply to the persons therein mentioned :

Provided that—

(*a*) no person shall by virtue of this subsection be treated as insured after the thirty-first day of December, nineteen hundred and thirty-five; and

(*b*) a person whilst so treated as insured shall not be entitled to maternity benefit, and shall not after the thirty-first day of December, nineteen hundred and thirty-three, be entitled to medical benefit or any additional benefits."

(6) For subsection (6) of the said section three there shall be substituted the following subsection :—

"(6) If at the date on which a person ceases to be treated as insured by virtue of any of the foregoing subsections of this section he is incapable of work by reason of some specific disease or bodily or mental disablement, of which notice is or has been given within the prescribed time, he shall until the thirtieth day of June, or the thirty-first day of December, whichever next follows the day on which he ceases to be so incapable of work, be treated as continuing to be insured by virtue, and in accordance with the provisions, of that subsection :

Provided that this subsection shall not apply to a person who ceases to be insured by virtue of subsection (1) of this section but can avail himself of the provisions of subsection (3) thereof, or to a person who was on the thirty-first day of December, nineteen hundred and thirty-five, treated by virtue of the last preceding subsection as insured and ceases on that day to be so treated."

(7) At the end of subsection (6) of the said section three, there shall be inserted the following subsections :—

"(6A) If a person is employed within the meaning of this Act at the date when, if he were not employed, he would cease to be insured, then until the thirtieth day of June, or the thirty-first day of December, whichever next follows the date on which he ceases to be so employed, he shall, if not otherwise insured, be treated as continuing to be insured by virtue, and in accordance with the provisions, of that subsection of this section which was last applicable to him.

(6B) Where a person who is treated as insured by virtue of any subsection of this section becomes employed within the meaning of this Act, the period for which he is to be treated as insured by virtue of that subsection shall not expire before it would have expired if he had not been so employed, but nothing in this subsection shall be construed as depriving a person of any rights to which he would have been entitled but for the provisions thereof."

(8) The transitory provisions set out in the First Schedule to this Act shall have effect with respect to persons who immediately before the first day of January, nineteen hundred and thirty-three, are insured by virtue of the said section three.

Amendment of provisions with respect to transfer values and reserve values.

2.—(1) An insured person shall on ceasing wholly to be entitled to benefits under the principal Act be treated for the purposes of section forty-six thereof (which relates to the transfer values of persons lapsing from insurance) as having ceased to be an insured person, and if he again becomes employed within the meaning of that Act or becomes a voluntary contributor, he shall for the purposes of section sixty-six thereof (which relates to the crediting of reserve values) be deemed to have then joined an approved society.

(2) Where a person is by virtue of subsection (1) of this section treated for the purposes therein specified as ceasing at the end of the year nineteen hundred and thirty-three to be an insured person, the transfer value to be then carried to the Reserve Suspense Fund in respect of him shall be such reduced transfer value, calculated with a view to compensating his approved society for any extra liability imposed on them in respect of him in the said year by virtue of subsection (5A) of section three of the principal Act, as may be shewn in tables prepared under subsection (2) of section forty-three of that Act.

Rates of sickness and disablement benefits.

3. In section thirteen of the principal Act, for so much of subsection (2) thereof as precedes the proviso there shall be substituted the following provision:—

> "(2) The ordinary rate of sickness benefit shall be, in the case of a man, fifteen shillings a week, and, in the case of a woman, ten shillings a week during the subsistence of any marriage and twelve shillings a week at any other time; and the ordinary rate of disablement benefit shall be, in the case of a man, seven shillings and sixpence a week, and, in the case of a woman, five shillings a week during the subsistence of any marriage and six shillings a week at any other time."

Amendments of s. 15 of principal Act.

4.—(1) In section fifteen of the principal Act (which confers power to prescribe reduced rates of benefit where contributions are in arrear) the words in paragraph (*a*) of subsection (1) from "and any regulations" to the end of that paragraph, and subsection (2), shall be omitted, and for subsection (4) there shall be substituted the following subsection:—

> "(4) Regulations under this section may provide that, subject to such conditions as may be prescribed, arrears of contributions accruing while a person was insured as an employed contributor during any period in respect of which he proves that he was available for but unable to obtain employment within the meaning of this Act, shall, to such extent as may be prescribed, be left out of account."

(2) The provisions of this section shall have effect with respect to arrears of contributions accruing after the third day of July, nineteen hundred and thirty-two.

Duration of schemes under s. 75 of principal Act.

5. Any scheme made under subsection (1) of section seventy-five of the principal Act which is in operation at the date of the passing of this Act shall cease to have effect on the Sunday preceding the first Monday in January of the year in which the period fixed under subsection (1A) of that section for the duration of the scheme comes to an end.

Provisions as to interpretation.

6.—(1) In subsection (1) of section one hundred and thirty-two of the principal Act after the definition of "contribution week" the following definitions shall be inserted:—

"'Contribution half-year' means one of the following periods, that is to say, a period of twenty-six weeks commencing on the first Monday in any year, or a period commencing on the twenty-seventh Monday in any year and terminating on the day preceding the first Monday in the next year;

'Contribution year' means a period consisting of two consecutive contribution half-years and commencing on the twenty-seventh Monday in any year."

(2) For subsection (1*a*) of the same section, the following subsection shall be substituted:—

"(1*a*) A person shall not be treated as available for but unable to obtain employment within the meaning of this Act while he is following any occupation from which he derives substantial remuneration or profit:

Provided that, if he is insured under the enactments for the time being in force with respect to unemployment insurance, he may be treated as available for but unable to obtain employment within the meaning of this Act while he is following any occupation the following of which does not prevent him from being deemed to be unemployed for the purposes of those enactments."

(3) Anything required by the Acts relating to National Health Insurance to be done to or by the Government Actuary may be done to or by the Deputy Government Actuary.

(4) The definitions of "contribution year" in section seven of the principal Act and section forty-four of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, are hereby repealed.

Amendments of Act of 1926. 16 & 17 Geo. 5. c. 9.

7.—(1) If under subsection (1) of section three of the National Health Insurance Act, 1926 (in this Act referred to as "the Act of 1926") it is reported to the Government Actuary that a deficiency will be disclosed on the valuation of an approved society or of a branch of an approved society, the Government Actuary shall proceed to estimate not only the amount by which the financial position of the society or branch has been made worse in consequence of the provisions of that Act but also, as respects the period since the date as at which the last preceding valuation was made or since the third day of July, nineteen hundred and thirty-two, whichever is the later, the amount, if any, by which the provision made in the valuation basis for loss of contributions resulting during that period from unemployment and the value of any sums which, under regulations made after the commencement of this Act under section fifteen of the principal Act, are recovered or recoverable in respect of that period, whether by reduction, postponement or suspension of benefits or by payments made for the purpose of cancelling arrears, together fall short of the arrears of contributions accruing in the said period as calculated in accordance with subsection (3) of the said section fifteen, and his certificate shall specify the total of the said amounts or, if the said total is greater than the amount of the apprehended deficiency, the amount of that deficiency.

(2) In subsection (2) of the said section three, for the words "may, if he thinks proper so to do having regard to all the circumstances of the case" and also for the word "may," where it occurs for the second time, there shall be substituted the word "shall," for the words "and if there is no such balance," there shall be substituted the words "or if there is no such balance," and subsections (3) and (4) of the said section shall be repealed.

(3) Section four of the Act of 1926 shall be repealed:

Provided that out of the sums referred to in the said section there shall under paragraph (*a*) thereof be credited to approved societies in respect of arrears accruing before the fourth day of July, nineteen hundred and thirty-two, such sums as would have been so credited if this Act had not passed.

Minor and consequential amendments of Insurance Acts.

8. The amendments set out in the Second Schedule to this Act (being consequential amendments or amendments of a minor character) shall be made in the sections of the principal Act and the Act of 1926, therein referred to.

Provisions as to widows', orphans' and old age contributory pensions.

9. After the thirty-first day of December, nineteen hundred and thirty-five, the following provisions shall apply in relation to any person who, having been insured by virtue of subsection (3) of section three of the principal Act, has at any time ceased to be insured, but who while insured by virtue of the said subsection was, except when employed within the meaning of the principal Act or incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed time, available for but unable to obtain employment—

(*a*) if he dies within twelve months of ceasing to be insured by virtue of the said subsection (3), a widows' pension and an orphans' pension, and, if he attains within that period the age of sixty-five, an old age pension, shall (whether he has or has not during the said period again become insured) be payable in respect of his insurance in accordance with the provisions of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, relating respectively to such pensions if such a pension would have been so payable if he had died or, as the case may be, attained the age of sixty-five on the last day when he was insured by virtue of the said subsection; and

(*b*) if when he ceased to be insured by virtue of the said subsection (3) he had been continuously insured during the last five years and had had at least one hundred and four contributions paid in respect of him, then, if, within two years of ceasing to be insured by virtue of the said subsection he again becomes insured and, after remaining continuously insured, dies or attains the age of sixty-five within two hundred and eight weeks from the date on which he so became insured, statutory condition (*a*) mentioned in section five of the said Act of 1925 shall be deemed to be satisfied with respect to him if after the date on which he so became insured he was employed within the meaning of the principal Act during twenty-six contribution weeks, whether continuously or not, and there were paid by, or in respect of, him at least twenty-six contributions exclusive of any contributions paid after his death, and statutory conditions (*a*), (*b*) and (*c*) mentioned in section eight of the said Act of 1925 shall be deemed to be satisfied with respect to him if after the said date he was so employed during twenty-six contribution weeks, whether continuously or not, and there were paid by or in respect of him at least twenty-six contributions exclusive of any contributions paid after he attained the age of sixty-five or after the end of the twenty-sixth contribution week in which he was so employed after the said date, whichever was the later.

Repeal of s. 44 (7) of 15 & 16 Geo. 5. c. 70.

10.—(1) Subsection (7) of section forty-four of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, (which subsection relates to the reckoning, for certain purposes, of insurance in Northern Ireland and contributions paid in that country) is hereby repealed.

(2) For the purposes of any financial adjustments to be made under section thirty-three of the said Act, this section shall be deemed to have come into operation on the same date as the reciprocal arrangements first made between Great Britain and Northern Ireland under the said section thirty-three.

Application to Northern Ireland.

11.—(1) This Act, so far as it relates to matters with respect to which the Parliament of Northern Ireland has power to make laws, shall not extend to Northern Ireland unless and until provision to that effect is made either—

(*a*) by an Act of the Parliament of Northern Ireland; or

(*b*) by an Order of the Governor of Northern Ireland in Council made in pursuance of such an Act,

and upon this Act being so extended to Northern Ireland as aforesaid, it shall apply to Northern Ireland subject to such exceptions and adaptations as may be specified in such Act or Order as aforesaid.

(2) The duties of the Joint Committee under subsection (2) of section three of the Act of 1926, with respect to certificates transmitted to them thereunder shall be duties of the Committee with respect also to

certificates transmitted to them under section three of the National Health Insurance Act (Northern Ireland), 1926, as amended by or under this Act.

10 & 11 Geo. 5. c. 67. (3) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day.

Short title, interpretation and commencement. **12.**—(1) This Act may be cited as the National Health Insurance and Contributory Pensions Act, 1932, and this Act and the National Health Insurance Acts, 1924 to 1931, may be cited together as the National Health Insurance Acts, 1924 to 1932, and this Act and the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1931, may be cited together as the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1932.

(2) References in this Act to the principal Act or to the Act of 1926 shall, unless the context otherwise requires, be construed as references to that Act as amended by any subsequent enactment, including this Act.

(3) This Act shall, save as otherwise expressly provided therein, come into operation on the first day of January, nineteen hundred and thirty-three.

SCHEDULES.

Section 1 (8).

FIRST SCHEDULE.

Transitory Provisions.

1. Any person—

(*a*) who on the thirty-first day of December, nineteen hundred and thirty-two, is incapable of work by reason of some specific disease or bodily or mental disablement of which notice is or has been given within the prescribed time and is on that date under subsection (6) of section three of the principal Act insured in accordance with the provisions of subsection (1) thereof, or

(*b*) who under the said subsection (1) is to be treated as insured until the said thirty-first day of December and is on that date so incapable of work, or

(*c*) who under the said subsection (1) is to be treated as insured until the thirtieth day of June, nineteen hundred and thirty-three, and is on that date so incapable of work,

shall, if he cannot avail himself of the provisions of subsection (3) of the said section three, continue to be treated as insured in accordance with the provisions of the subsection substituted by this Act for subsection (6) of the said section three, but, if he can avail himself of the provisions of the said subsection (3) shall, as from the said thirty-first day of December or the said thirtieth day of June, as the case may be, be treated as if he had immediately after that day become insured by virtue of the said subsection (3) except that, while he continues so incapable of work, he shall not be subject to so much of the said subsection as provides for reductions in the rate of benefit.

2. Subject to the provisions of the last preceding paragraph, any person who immediately before the first day of January, nineteen hundred and thirty-three, is insured by virtue of any subsection of section three of the principal Act which is amended by this Act or for which a subsection is substituted by this Act, shall thereafter be treated as if he had then been insured by virtue of that subsection as so amended or that substituted subsection.

SECOND SCHEDULE.

Section 8.

Minor and Consequential Amendments.

National Health Insurance Act, 1924.

S. 3 - - In subsection (1) there shall be inserted at the beginning the words "Subject to the provisions of the next succeeding subsection."

In paragraph (*b*) of subsection (3) and in paragraph (*a*) of subsection (5) after the words "except when" there shall be inserted the words "employed within the meaning of this Act or",

2nd Sch.
—*cont.*

After subsection (8) there shall be inserted the following subsection—

"(9) For the purposes of this section, an
" insured person who at any time in a con-
" tribution week is employed within the
" meaning of this Act, shall be treated as
" having been employed throughout that
" week."

S. 7 - - For subsection (4) there shall be substituted the following subsection :—

"(4) Where an employed contributor by or
" in respect of whom less than one hundred
" and four weekly contributions have been
" paid ceases to be employed within the
" meaning of this Act, or where the employer
" of such a contributor ceases to be liable
" to pay contributions in respect of him,
" the contributor shall, if he proves to the
" approved society of which he is a member,
" or if in the case of a dispute it is decided
" in manner provided by this Act, that
" during any period he was either incapable
" of work or unable to obtain employment
" within the meaning of this Act, be entitled,
" within and in respect of the prescribed
" time, to pay contributions at the employed
" rate in respect of the said period of
" incapacity or unemployment."

S. 43 - - In proviso (*c*) to subsection (1) for the words "one year" there shall be substituted the words "two years."

NATIONAL HEALTH INSURANCE ACT, 1926.

S. 3 - - In subsection (1) after the word "has", where that word occurs for the first time, there shall be inserted the words "since the date as at
" which the last preceding valuation was
" made".

CHAPTER 53.

An Act to enable effect to be given to the Agreements made on the twentieth day of August, nineteen hundred and thirty-two, at the Imperial Economic Conference held at Ottawa, and to a certain announcement made at that Conference on behalf of His Majesty's Government in the United Kingdom, by imposing and providing for the imposition of certain duties of customs and otherwise, to make further provision for Imperial preference, and for purposes consequential on and connected with the matters aforesaid. [15th November 1932.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, with a view to the giving of effect to the agreements made on the twentieth day of August, nineteen hundred and thirty-two, at the Imperial Economic Conference held at Ottawa (being the agreements set out in the First Schedule to this Act), and to the announcement made at that Conference on behalf of His Majesty's Government in the United Kingdom (being the announcement set out in Part VIII of the said Schedule), have freely and voluntarily resolved to give and grant unto Your Majesty the duties for which provision is hereinafter contained; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Charge of customs duties on goods specified in Second Schedule.

1.—(1) With a view to the fulfilment of the agreements set out in the First Schedule to this Act (hereafter in this Act referred to as the "scheduled agreements") and the announcement set out in Part VIII of that Schedule, there shall be charged on the importation into the United Kingdom of goods of the classes and descriptions specified in the first column of Part I of the Second Schedule to this Act, the duties of customs respectively specified in the second column of that part of that Schedule, subject to the provisions of Part II of that Schedule.

(2) If at any time the Treasury are satisfied with respect to any duty chargeable under this section that the duty can be repealed, or the rate thereof reduced, as regards goods of any class or description (whether being a class or description specified in Part I of the Second Schedule to this Act or a subsidiary class or description comprised in a class or description so specified) without contravening any of the scheduled agreements for the time being in force, the Treasury shall, unless it appears to them that the repeal or reduction would be inconsistent with the announcement aforesaid, by order direct that, as from such date as may be specified in the order, that duty, as the case may be, shall not be charged on goods of that class or description, or shall be charged thereon at such reduced rate specified in the order as appears to the Treasury to be the lowest rate at which the duty can be charged without contravening any of the scheduled agreements for the time being in force.

(3) If, at any time after an order has been made under the last foregoing subsection, the Treasury are satisfied that the reimposition, or the increase of the rate, of the duty specified in the order is necessary for the fulfilment of any of the scheduled agreements for the time being in force, the Treasury shall by order direct that, as from such date as may be specified in the order, the duty shall again be charged or, as the case may be, shall be charged at such increased rate specified in the order as appears to the Treasury to be the lowest rate at which the duty can be charged without contravening any of the scheduled agreements for the time being in force:

Provided that nothing in this subsection shall authorise any such duty to be charged on goods of any class or description at a rate higher than the rate specified in relation thereto in Part I of the Second Schedule to this Act.

(4) Subject to the provisions of this Act, the duties of customs chargeable on any goods under this section shall be charged in addition to any other duties of customs for the time being chargeable thereon or on any of the components thereof:

Provided that—

(*a*) nothing in this subsection shall affect the provisions of paragraph (*a*) of subsection (2) of section one of the Import Duties Act, 1932 (which exempts from the general ad valorem duty certain goods for the time being chargeable with a duty of customs by or under any enactment other than that Act); and

22 & 23 Geo. 5. c. 8.

(*b*) while any goods are chargeable with duty under this section, any order in force under the Import Duties Act, 1932, at the date when those goods become so chargeable shall, if and so far as it imposes an additional duty on those goods, cease to have effect.

(5) Notwithstanding anything in the last foregoing subsection—

(*a*) the Import Duties Advisory Committee may recommend, subject to and in accordance with section three of the Import Duties Act, 1932, that an additional duty ought to be charged on goods of any class or description for the time being chargeable with a duty of customs under this section, as if the duty chargeable under this section were the general ad valorem duty, and the Treasury may make an order under that section accordingly; and

(*b*) the provisions of the enactments set out in Part III of the Second Schedule to this Act shall, subject to the provisions of that Part of that Schedule, apply for the purposes of this section as they apply for the purposes of the Import Duties Act, 1932:

Provided that this subsection shall not apply to goods which, immediately before they became chargeable with duty under this section, were exempt from the general ad valorem duty by virtue of the provisions of paragraph (*a*) of subsection (2) of section one of the said Act.

General preferences for British Empire.

2.—(1) Neither the duties chargeable under the foregoing provisions of this Act nor the general ad valorem duty nor, subject as hereinafter provided, any additional duty shall be charged in the case of goods which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in any country the Government of which is a party to one of the scheduled agreements for the time being in force:

Provided that if at any time the Treasury are satisfied with respect to any such country that an additional duty chargeable on goods of any particular class or description can, without contravention of any of the scheduled agreements for the time being in force, be charged on goods of that class or description which are shown as aforesaid to have been consigned from a part of the British Empire and to have been grown, produced or manufactured in that country, the Treasury may by order direct that, as from such date as may be specified in the order, that duty shall be charged on such goods, either at the full rate or at such lower rate as may be so specified.

Any order made under this subsection may be varied or revoked by a subsequent order.

(2) For the purposes of the last foregoing subsection, any territory in respect of which a mandate of the League of Nations is being exercised by, or which is administered under the authority of, the Government of any country shall be treated as if it were a part of that country.

(3) In the case of goods which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in the Irish Free State, the duties chargeable under the foregoing provisions of this Act, or under any order made under section three of the Import Duties Act, 1932, by virtue of the foregoing provisions of this Act, shall not become chargeable until the earliest date on which no order is in force by virtue of which duties are chargeable under the Irish Free State (Special Duties) Act, 1932, or such later date as may be fixed by resolution of the Commons House of Parliament.

22 & 23 Geo. 5. c. 30.

(4) The duties chargeable under the foregoing provisions of this Act shall not be charged in the case of goods which are shown to the satisfaction of the

Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in any part of the British Empire to which section four of the Import Duties Act, 1932, does not apply.

(5) During the period of three years from the passing of this Act, or such further period as may be prescribed, any copper produced in any part of the British Empire but refined outside the British Empire, being copper to which this subsection applies, shall, subject to proof being given in the prescribed manner that it has been so produced and that it has been consigned from the country in which it was refined, be treated for the purposes of this section as if it had been consigned from a part of the British Empire.

This subsection applies to any kind of copper to which it is declared to apply by regulations made by the Board of Trade, after consultation with the Treasury, for the purposes of this subsection, and the expression "prescribed" in this subsection means prescribed by regulations made as aforesaid, and different regulations may be made with respect to different parts of the British Empire and different kinds of copper.

(6) Goods shown to the satisfaction of the Commissioners to have been consigned from the port of Beira in Portuguese East Africa and shown as aforesaid, by means of a certificate signed by a Customs officer in the service of the Government of Southern or Northern Rhodesia or of Nyasaland, to have been grown, produced or manufactured in Southern or Northern Rhodesia or Nyasaland, as the case may be, shall be treated for the purposes of this section and of section five of the Import Duties Act, 1932, as if they had been consigned from a part of the British Empire.

(7) The provisions of section six of, and the Third Schedule to, the Import Duties Act, 1932 (being supplementary provisions as to Imperial preference), shall apply for the purposes of this section as they apply for the purposes of sections four and five of that Act, as if references to any duty chargeable under that Act or any provision thereof included a reference to any duty chargeable under the foregoing provisions of this Act.

Increase of duty on light wine and preference for Empire light wine.

17 & 18 Geo. 5. c. 10.

3. With a view to the fulfilment of the agreements set out in Parts II and IV of the First Schedule to this Act,—

(*a*) the duty of customs chargeable under section five of the Finance Act, 1927, on wine, not being an Empire product and not exceeding twenty-five degrees of proof spirit, shall be increased from three shillings per gallon to four shillings per gallon; and

(*b*) the duty of customs chargeable under the said section on wine not exceeding twenty-seven degrees of proof spirit, being an Empire product, shall be charged at a preferential rate representing the full rate of duty for the time being chargeable on wine not exceeding twenty-five degrees of proof spirit and not being an Empire product, reduced by two shillings per gallon:

Provided that—

(i) if at any time the Treasury are satisfied that none of the scheduled agreements for the time being in force would be contravened if the words "one shilling per gallon" were substituted in paragraph (*b*) of this subsection for the words "two shillings per gallon," the Treasury shall by order direct that that paragraph shall have effect as if those words were so substituted, so, however, that any such order shall be revoked if and when the Treasury are satisfied that any such agreement is being contravened by the order; and

(ii) in relation to wine produced or manufactured in a country the Government of which is a party to one of the scheduled agreements, the said paragraph shall in any case have effect, at any time when that agreement is not in force, as if the said words were substituted as aforesaid.

Preference for Empire tobacco and

4.—(1) With a view to the fulfilment of the Agreements set out in Parts I, IV, VI and VII of the First Schedule to this Act, subsection (1) of section seven of the Finance Act, 1926, (which provides for the stabilisation of rates of imperial preference) shall, in relation to the duties of customs chargeable on tobacco, have effect as if the period of ten years mentioned in that subsection were extended so as to expire on the nineteenth day of August, nineteen hundred and forty-two.

coffee and amendment of coffee drawback.

16 & 17 Geo. 5. c. 22.

(2) With a view to the fulfilment of the Agreements set out in Parts VI and VII of the First Schedule to this Act, coffee (not kiln-dried, roasted or ground) being an Empire product, shall be charged with a duty of customs at a preferential rate representing the full rate of duty for the time being chargeable on such coffee, not being an Empire product, reduced by nine shillings and fourpence per hundredweight:

Provided that—

(*a*) if at any time the Treasury are satisfied that none of the scheduled agreements for the time being in force would be contravened if the words "two shillings and fourpence per hundredweight" were substituted in this subsection for the words "nine shillings and fourpence per hundredweight," the Treasury shall by order direct that this subsection shall have effect as if those words were so substituted, so, however, that any such order shall be revoked if and when the Treasury are satisfied that any such agreement is being contravened by the order; and

(*b*) in relation to coffee produced or manufactured in a country the Government of which is a party to one of the scheduled agreements, this subsection shall in any case have effect, at any time when that agreement is not in force, as if the said words were substituted as aforesaid.

(3) For the rates of drawback on coffee and mixtures of coffee and chicory specified in subsection (4) of section three of the Finance Act, 1924, there shall, if a duty of customs was paid on the coffee, or on the coffee or any part of the coffee contained in the mixture, as the case may be, at a preferential rate representing the full rate of duty reduced by nine shillings and fourpence per hundred-

14 & 15 Geo. 5. c. 21.

weight, be substituted the following reduced rates, that is to say:—

	£	*s.*	*d.*
Coffee, for every one hundred pounds		4	8
Mixtures of coffee and chicory—			
For every one hundred pounds of coffee contained in the mixture on which a duty of customs was paid as aforesaid		4	8
For every one hundred pounds of the other components of the mixture	The rate payable under the said subsection (4) for every one hundred pounds of the whole mixture,		

and so in proportion for any less quantity.

Security of preferences granted in fulfilment of Canadian agreement against action by foreign countries.

5.—(1) If at any time the Board of Trade are satisfied that any preferences granted by this Act in respect of any particular class or description of goods, being preferences granted in fulfilment of the agreement set out in Part I of the First Schedule to this Act, are likely to be frustrated in whole or in part by reason of the creation or maintenance, directly or indirectly, of prices for that class or description of goods through State action on the part of any foreign country, the Board of Trade may by order prohibit the importation into the United Kingdom of goods of that class or description grown, produced or manufactured in that foreign country.

(2) Any order made under this section shall be revoked by a subsequent order made in like manner if and when the Board of Trade are satisfied that the further operation of the order is no longer necessary to make effective or to maintain the preferences granted as aforesaid in respect of the class or description of goods to which the order relates.

(3) No order shall be made under this section except with the concurrence of the Treasury, given after consultation with any other Government Department which appears to the Treasury to be interested.

(4) The Board of Trade may make regulations prescribing, either generally or in relation to goods of any particular class or description, the conditions which must be fulfilled in order to establish that goods have not been grown, produced or manufactured in a foreign country with respect to which an order is in force under this section, and, while any such order is in force with respect to any foreign country, it shall be lawful for the Commissioners, on the importation of any goods which, if produced or manufactured in that country, would be prohibited by the order to be imported, and which are consigned either from that country or from such other countries as the Board of Trade may direct, to require the importer to furnish to the Commissioners, in such form as the Commissioners may prescribe, proof that the conditions so prescribed by the Board have been fulfilled, and if such proof is not furnished to the Commissioners' satisfaction, the goods shall be deemed to be goods grown, produced or manufactured in the first-mentioned country.

(5) Goods prohibited to be imported by virtue of an order made under this section shall be deemed to be included among the goods enumerated and described in the table of prohibitions and restrictions inwards contained in section forty-two of the Customs Consolidation Act, 1876, and the provisions of that Act and of any Act amending or extending that Act shall apply accordingly.

39 & 40 Vict. c. 36.

Power of Treasury in certain cases to add goods to free list without recommendation.

6. The power of the Treasury under subsection (3) of section one of the Import Duties Act, 1932, by order to direct that goods shall be added to the First Schedule of that Act may, to such extent as appears to the Treasury to be necessary for the purpose of fulfilling the agreement set out in Part VI of the First Schedule to this Act, be exercised, notwithstanding anything in section one of that Act, without any recommendation from the Import Duties Advisory Committee:

Provided that any order made by virtue of this section shall direct that any goods added to the said First Schedule by the order shall be deemed not to be included in that Schedule at any time when the said agreement is not in force.

Regulation of importation of certain frozen and chilled meat.

7.—(1) The Board of Trade, after consultation with the Ministry of Agriculture and Fisheries, may by order regulate the importation into the United Kingdom of frozen mutton, frozen lamb, frozen beef, and chilled beef, in accordance with the provisions of the agreements set out in Part II and Part III of the First Schedule to this Act.

(2) Any order made under this section may contain such provisions as appear to the Board of Trade to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order.

(3) Any order made under this section may be varied by any subsequent order made in like manner.

Amendment of law as to importation of Canadian cattle.

13 Geo. 5. c. 5.

8.—(1) The provisions of section one of the Importation of Animals Act, 1922 (Session 2) (which provides for the landing of Canadian store cattle in Great Britain without being required to be slaughtered) shall apply to all Canadian cattle as they apply to Canadian store cattle, so, however, that the Minister may require any such cattle to be slaughtered within the landing place if, in his opinion, they could be used for breeding and are not suitable for that purpose; and accordingly the provisions of the said Act set out in the first column of Part I of the Third Schedule to this Act shall have effect subject to the amendments set out in the second column of that Part of that Schedule.

(2) The provisions of subsection (2) of section one of the said Act, which are set out in the first column of Part II of the said Schedule, shall have effect subject to the amendments, being amendments of minor detail, which are set out in the second column of that Part of that Schedule.

Duration of agreements for purposes of Act.

9.—(1) For the purposes of this Act, each of the scheduled agreements shall be deemed to be in force unless and until the Treasury by order declare that the agreement has ceased, or is for the purposes of this Act to be deemed to have ceased, to be in force.

(2) An order may be made under this section declaring that any such agreement has ceased to be in force if the Treasury are satisfied that the agreement has been determined in accordance with the terms thereof, or, in

the case of the agreement set out in Part V of the First Schedule to this Act, that the agreement, other than certain articles thereof, is to be regarded as at an end in accordance with the terms of the correspondence annexed thereto.

(3) An order may be made under this section declaring that any such agreement is to be deemed for the purposes of this Act to have ceased to be in force if the Treasury, after consultation with any Government Department which appears to them to be interested, are satisfied that the agreement is not being fulfilled on the part of the country between the Government of which and His Majesty's Government in the United Kingdom the agreement was made, but if, at any time after the making of the order, the Treasury are satisfied, after the like consultation, that the said agreement is being fulfilled on the part of the said country, they shall thereupon revoke the order, and as from the date of the revocation the agreement shall again be deemed to be in force for the purposes of this Act.

Provisions as to orders.

10.—(1) Any order made by the Treasury under this Act with respect to any duty of customs shall be laid before the Commons House of Parliament as soon as may be after it is made, and any other order made under this Act, whether by the Treasury or by the Board of Trade, shall be laid before both Houses of Parliament as soon as may be after it is made.

(2) Any order made by the Treasury under this Act increasing or re-imposing any duty of customs (other than an order, made as hereinafter provided, fixing the date as from which a duty is to be chargeable) shall cease to have effect on the expiration of a period of twenty-eight days from the date on which it is made, unless, at some time before the expiration of that period, it has been approved by resolution passed by the Commons House of Parliament, but without prejudice to anything previously done thereunder or to the making of a new order.

(3) Any order made under this Act—

(*a*) with respect to the prohibition of the importation into the United Kingdom of goods of any class or description grown, produced or manufactured in a foreign country; or (*b*) with respect to the regulation of the importation into the United Kingdom of frozen and chilled meat; or

(*c*) declaring that any of the scheduled agreements is to be deemed to have ceased to be in force or revoking such a declaration,

shall cease to have effect on the expiration of a period of twenty-eight days from the date on which it is made, unless, at some time before the expiration of that period, it has been approved by resolution passed by each House of Parliament, but without prejudice to anything previously done thereunder or to the making of a new order.

(4) In reckoning any such period of twenty-eight days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the Commons House is adjourned for more than four days.

Power of Treasury to refer to Import Duties Advisory Committee.

11. The Treasury may refer to the Import Duties Advisory Committee for consideration any question connected with the discharge of the functions of the Treasury under this Act, and the Committee shall make a report to the Treasury on any question so referred to them, and may for the purposes of this section exercise any powers conferred on them by the Import Duties Act, 1932, for the purposes of that Act.

Exercise of powers by, and expenses of, Board of Trade.

12.—(1) Any order or regulations authorised under this Act to be made by the Board of Trade may be made by the President of the Board or in his absence by a Secretary of State, and any other thing required or authorised under this Act to be done by, to, or before the Board of Trade may be done by, to, or before the President of the Board or any person authorised by him in that behalf.

(2) Any expenses incurred by the Board of Trade for the purposes of this Act shall be defrayed out of moneys provided by Parliament.

Interpretation.

13.—(1) In this Act, unless the context otherwise requires—

the expression "Empire product" has the same meaning as in subsection (1) of section eight of the Finance Act, 1919;

9 & 10 Geo. 5. c. 32.

the expressions "general ad valorem duty," "additional duty," and "the British Empire," respectively, have the same meanings as in the Import Duties Act, 1932;

the expression "the United Kingdom" does not include the Isle of Man;

the expression "the Commissioners" means the Commissioners of Customs and Excise.

(2) References in this Act to any of the scheduled agreements shall be construed as references to that agreement as for the time being varied by mutual consent.

Short title, commencement and duration.

14.—(1) This Act may be cited as the Ottawa Agreements Act, 1932.

(2) This Act shall come into operation on such day or days as the Treasury may by order fix, and the Treasury may fix different days for different purposes and different provisions of this Act and different days as respects the several duties chargeable under section one of this Act.

(3) This Act shall continue in force so long as any of the scheduled agreements is in force and no longer, unless Parliament otherwise determines:

Provided that—

(*a*) the expiry of this Act shall not affect the previous operation thereof or of any order made thereunder, or any obligation or liability previously incurred under this Act or any such order in respect of any duty of customs, penalty, forfeiture or punishment, or the taking of any steps or the institution or carrying on of any proceedings to determine the amount of any such duty or enforce any such obligation or liability; and

(*b*) nothing in this subsection shall affect the provisions of this Act which amend section seven of the Finance Act, 1926, in relation to the customs duty chargeable on tobacco.

SCHEDULES.

FIRST SCHEDULE.

Sections 1, 3, 4, 5, 6, 7 and 9.

Agreements and Announcement made at the Imperial Economic Conference, Ottawa, 1932.

Part I.

United Kingdom–Canadian Agreement.

We, the representatives of His Majesty's Government in the United Kingdom and of His Majesty's Government in Canada, hereby agree with one another, on behalf of our respective Governments, as follows:—

Article 1.

His Majesty's Government in the United Kingdom undertake that Orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of goods consigned from any part of the British Empire, and grown, produced or manufactured in Canada, which by virtue of that Act are now free of duty subject, however, to the reservations set forth in Schedule A appended hereto.

Article 2.

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule B appended hereto, the duties of Customs shown in that schedule in place of the duties (if any) now leviable.

Article 3.

His Majesty's Government in the United Kingdom undertake that the general ad valorem duty of 10 per cent. imposed by section 1 of the Import Duties Act, 1932, on the foreign goods specified in Schedule C shall not be reduced except with the consent of His Majesty's Government in Canada.

Article 4.

It is agreed that the duty on either wheat in grain, copper, zinc or lead, as provided in this agreement, may be removed if at

CANADA—*continued.*

1st Sch. —*cont.*

any time Empire producers of wheat in grain, copper, zinc and lead respectively are unable or unwilling to offer these commodities on first sale in the United Kingdom at prices not exceeding the world prices and in quantities sufficient to supply the requirements of the United Kingdom consumers.

ARTICLE 5.

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to modify the conditions at present governing the importation into the United Kingdom of live cattle from Canada on the lines already agreed upon in principle between themselves and His Majesty's Government in Canada.

ARTICLE 6.

His Majesty's Government in the United Kingdom declare that it is their intention to arrange, as soon as possible after receiving the report of the Commission now sitting on the reorganisation of the pig industry in the United Kingdom, for the quantitative regulation of the supplies of bacon and hams coming on to the United Kingdom market, and undertake that in any legislation which they may submit to Parliament for regulating the supplies of bacon and hams from all sources into the United Kingdom, provision will be made for free entry of Canadian bacon and hams of good quality up to a maximum of 2,500,000 cwt. per annum.

ARTICLE 7.

His Majesty's Government in the United Kingdom will invite Parliament to pass legislation which will secure for a period of ten years from the date hereof to tobacco, consigned from any part of the British Empire and grown, produced or manufactured in Canada, the existing margin of preference over foreign tobacco, so long, however, as the duty on foreign unmanufactured tobacco does not fall below 2*s*. 0½*d*. per lb., in which event the margin of preference shall be equal to the full duty.

ARTICLE 8.

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates to accord to Canada any preference which may for the time being be accorded to any other part of the British Empire, provided that this clause shall not extend to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia and the Territories of the South African High Commission by virtue of the Customs Agreement

Canada—*continued.*

1st Sch. —*cont.*

of 1930; and further will invite the Governments of the colonies and protectorates shown in Schedule D to accord to Canada new or additional preferences on the commodities and at the rates shown therein.

Article 9.

His Majesty's Government in Canada will invite Parliament to pass the legislation necessary to substitute for the duties of Customs now leviable on the goods specified in Schedule E the duties shown in that schedule, provided that nothing in this Article shall preclude His Majesty's Government in Canada from reducing the duties specified in the said schedule so long as the margin of British preference shown in that schedule is preserved or from increasing the rates under the intermediate or general tariff set out in the said schedule.

Article 10.

His Majesty's Government in Canada undertake that protection by tariffs shall be afforded against United Kingdom products only to those industries which are reasonably assured of sound opportunities for success.

Article 11.

His Majesty's Government in Canada undertake that during the currency of this Agreement the tariff shall be based on the principle that protective duties shall not exceed such a level as will give United Kingdom producers full opportunity of reasonable competition on the basis of the relative cost of economical and efficient production, provided that in the application of such principle special consideration may be given to the case of industries not fully established.

Article 12.

His Majesty's Government in Canada undertake forthwith to constitute the Tariff Board, for which provision is made in the Tariff Board Act, 1931.

Article 13.

His Majesty's Government in Canada undertake that on the request of His Majesty's Government in the United Kingdom they will cause a review to be made by the Tariff Board as soon as practicable of the duties charged on any commodities specified in such request in accordance with the principles laid down in Article 11 hereof, and that after the receipt of the report of the Tariff Board thereon such report shall be laid before Parliament,

Canada—*continued.*

and Parliament shall be invited to vary wherever necessary the tariff on such commodities of United Kingdom origin in such manner as to give effect to such principles. 1st Sch. —*cont.*

Article 14.

His Majesty's Government in Canada undertake that no existing duty shall be increased on United Kingdom goods except after an inquiry and the receipt of a report from the Tariff Board, and in accordance with the facts as found by that body.

Article 15.

His Majesty's Government in Canada undertake that United Kingdom producers shall be entitled to full rights of audience before the Tariff Board when it has under consideration matters arising under Articles 13 and 14 hereof.

Article 16.

His Majesty's Government in Canada undertake that Customs administration in Canada shall be governed by such general principles as will ensure (*a*) the avoidance, so far as reasonably possible, of uncertainty as to the amount of Customs duties and other fiscal imposts payable on the arrival of goods in Canada; (*b*) the reduction of delay and friction to a minimum; and (*c*) the provision of machinery for the prompt and impartial settlement of disputes in matters appertaining to the application of tariffs.

Article 17.

His Majesty's Government in Canada undertake that all existing surcharges on imports from the United Kingdom shall be completely abolished as soon as the finances of Canada will allow. They further undertake to give sympathetic consideration to the possibility of reducing and ultimately abolishing the exchange dumping duty in so far as it applies to imports from the United Kingdom.

Article 18.

His Majesty's Government in Canada undertake to modify the existing regulations governing the importation of pedigree stock from the United Kingdom into Canada in a manner already agreed upon in principle between themselves and His Majesty's Government in the United Kingdom.

Article 19.

His Majesty's Government in Canada undertake to accord to those non-self-governing colonies, protectorates and the mandated

Canada—*continued.*

1st Sch. —*cont.*

territories to which the benefits of the British preferential rates are at present accorded, and also to Zanzibar, the preferences on the commodities and at the rates shown in Schedule F, and also any preferences for the time being accorded to the United Kingdom. Provided that His Majesty's Government in Canada shall not be bound to continue to accord any preferences to any colony or protectorate which, not being precluded by international obligations from according preferences, either (i) accords to Canada no preferences, or (ii) accords to some other part of the Empire (in the case of Northern Rhodesia, excepting the Union of South Africa, Southern Rhodesia and the territories of the South African High Commission) preferences not accorded to Canada.

Article 20.

Nothing in this Agreement shall prejudice or diminish any of the benefits enjoyed by any of the parties thereto under the Canada–West Indies Trade Agreement dated the 6th July, 1925.

Article 21.

This Agreement is made on the express condition that, if either Government is satisfied that any preferences hereby granted in respect of any particular class of commodities are likely to be frustrated in whole or in part by reason of the creation or maintenance directly or indirectly of prices for such class of commodities through state action on the part of any foreign country, that Government hereby declares that it will exercise the powers which it now has or will hereafter take to prohibit the entry from such foreign country directly or indirectly of such commodities into its country for such time as may be necessary to make effective and to maintain the preferences hereby granted by it.

Article 22.

This Agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in Canada is to be regarded as coming into effect as from the date hereof (subject to the necessary legislative or other action being taken as soon as may be practicable hereafter). It shall remain in force for a period of five years, and if not denounced six months before the end of that period shall continue in force thereafter until a date six months after notice of denunciation has been given by either party.

Article 23.

In the event of circumstances arising which, in the judgment of His Majesty's Government in the United Kingdom or of His Majesty's Government in Canada, as the case may be, necessitate

Canada—*continued.*

1st Sch. —*cont.*

a variation in the terms of the Agreement, the proposal to vary those terms shall form the subject of consultation between the two Governments.

Signed on behalf of His Majesty's Government
in the United Kingdom:

NEVILLE CHAMBERLAIN.

Signed on behalf of His Majesty's Government
in Canada:

R. B. BENNETT.

(Initialled) R. B. H.
August 20, 1932.

SCHEDULE A.

As regards eggs, poultry, butter, cheese and other milk products, free entry for Canadian produce will be continued for three years certain. His Majesty's Government in the United Kingdom, however, reserve to themselves the right, after the expiration of the three years, if they consider it necessary in the interests of the United Kingdom producer to do so, to review the basis of preference so far as relates to the articles above enumerated and after notifying His Majesty's Government in Canada either to impose a preferential duty on Canadian produce whilst maintaining preferential margins, or in consultation with the Canadian Government to bring such produce within any system which may be put into operation for the quantitative regulation of supplies from all sources in the United Kingdom market.

SCHEDULE B.

Wheat, in grain - - -	2*s*. per quarter.
Butter - - - - -	15*s*. per cwt.
Cheese - - - - -	15 per cent. ad valorem.
Apples, raw (excluding apples consigned direct to a registered cider manufacturer for use in making cider).	4*s*. 6*d*. per cwt.
Pears, raw - - - -	4*s*. 6*d*. per cwt.
Apples, canned - - -	3*s*. 6*d*. per cwt. in addition to the duty in respect of sugar content.

1st Sch. —*cont.*

Canada—*continued.*

Dried fruits, now dutiable at 7*s.*	10*s.* 6*d.* per cwt.
Eggs in shell—	
(*a*) Not exceeding 14 lbs. in weight per great hundred.	1*s.* per great hundred.
(*b*) Over 14 lbs., but not exceeding 17 lbs.	1*s.* 6*d.* per great hundred.
(*c*) Over 17 lbs. - - -	1*s.* 9*d.* per great hundred.
Condensed milk, whole, sweetened.	5*s.* per cwt. in addition to the duty in respect of sugar content.
Copper, unwrought, whether refined or not, in ingots, bars, blocks, slabs, cakes, and rods.	2*d.* per lb.

SCHEDULE C.

Timber of all kinds imported into the United Kingdom in substantial quantities from Canada, in so far as now dutiable.
Fish, fresh, sea.
Salmon, canned.
Other fish, canned.
Asbestos.
Zinc.
Lead.

SCHEDULE D.

(1) The Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Jamaica (including the Turks and Caicos Islands and the Cayman Islands), the Leeward Islands, Trinidad and Tobago, the Windward Islands, Fiji, the Federated and Unfederated Malay States, Mauritius and Northern Rhodesia.

Commodity.	Margin of Preference.
Rubber boots and shoes and canvas boots and shoes, rubber-soled.	1*s.* per pair (or the equivalent in the local currency), that is to say, the general rate to be the preferential ad valorem rate, if any, plus 1*s.* per pair specific duty.

Canada—*continued.*

1st Sch. —*cont.*

(2) All the colonies and protectorates, except Bermuda (so long as the importation of motor vehicles is prohibited), Northern Rhodesia, and Trinidad, mentioned in (1) above, and also Ceylon, Hong Kong, Malta, and the Straits Settlements.

Commodity.	Margin of Preference.
Motor vehicles - -	20 per cent. ad valorem.

(3) All the colonies and protectorates mentioned in (2) above except the Straits Settlements and Hong Kong.

Parts of motor vehicles including rubber tyres.	20 per cent. ad valorem.

(4) All the colonies and protectorates mentioned in (1) above except Fiji, the Federated and Unfederated Malay States, Mauritius, and Northern Rhodesia.

Hosiery of cotton or artificial silk.	6*d*. per pair, that is to say, the general rate to be the preferential ad valorem rate, if any, plus 6*d*. per pair specific duty.
Hosiery of silk - -	9*d*. per pair, that is to say, the general rate to be the preferential ad valorem rate, if any, plus 9*d*. per pair specific duty.
Butter - - - -	1½*d*. per lb.

(5) The Bahamas.

The preferential drawback of 25 per cent. of certain Customs duties to be increased to 50 per cent. of those Customs duties.

(6) Barbados, Bermuda, and Trinidad.

Electrical appliances and apparatus.	15 per cent. ad valorem.
Bacon and ham - -	½*d*. per lb.

(7) Barbados, British Guiana, the Leeward Islands (Antigua only) and Trinidad.

The tariff treatment of pitch pine to be assimilated to that of other wood and timber and a margin of preference of not less than ten shillings per 1,000 feet to be established.

(8) Barbados, Jamaica, and Trinidad.

Condensed milk - -	10 per cent. ad valorem (or the equivalent specific rate).
Shooks - - - -	10 per cent. ad valorem.

(9) Barbados and British Honduras.

Potatoes and onions -	2*s*. per 100 lbs.

Canada—*continued.*

1st Sch. —*cont.*

(10) Barbados.

Commodity.	Margin of Preference.
Oats - - - -	9*d*. per 100 lbs.

(11) Bermuda, Jamaica (including the Turks and Caicos Islands, and the Cayman Islands), the Leeward Islands, and the Windward Islands.

Hardware - - -	10 per cent. ad valorem.

(12) Bermuda.

Eggs - - - -	2*d*. per dozen.
Canned meat - -	10 per cent. ad valorem.
Canned fruit and canned vegetables.	15 per cent. ad valorem.
Furniture - - -	10 per cent. ad valorem.

(13) Jamaica.

Apparel of all kinds (other than hosiery).	10 per cent. ad valorem.
Wood and timber - -	10 per cent. ad valorem.

(14) Ceylon.

Bacon and ham - -	10 per cent. ad valorem.
Canned fruit and vegetables.	15 per cent. ad valorem.
Canned fish - - -	15 per cent. ad valorem.

(15) Cyprus.

Butter, cheese, tinned fish, and timber.	One-third of the duty, in lieu of one-sixth.

(16) The Federated and Unfederated Malay States.

Commodity.	Margin of Preference so soon as it is possible to institute duties thereon.
Condensed milk - -	10 per cent. ad valorem.
Printing and wrapping paper.	10 per cent. ad valorem.
Canned fruit and canned vegetables.	15 per cent. ad valorem.
Canned fish - - -	15 per cent. ad valorem.
Electric batteries - -	15 per cent. ad valorem.
Confectionery - -	10 per cent. ad valorem.

(17) Fiji.

Timber, dressed and undressed	2*s*. per 100 super. feet.

Canada—*continued.*

(18) Malta.

Commodity.	Margin of Preference so soon as it is possible to institute duties thereon.
Wheat flour - - -	2*s*. per 100 kilog.

(19) Mauritius.

Bacon and ham - -	5 rupees per 100 kilog.
Cheese - - - -	10 per cent. ad valorem.
Canned fish - - -	15 per cent. ad valorem.
Electric stoves and household appliances.	15 per cent. ad valorem.

(20) Northern Rhodesia.

Commodity.	Margin of Preference.
Electrical batteries and accumulators.	15 per cent. ad valorem.
Boxes, wooden, empty, or in shooks.	10 per cent. ad valorem.
Wood, unmanufactured, including ceiling and flooring boards.	10 per cent. ad valorem.
Newsprint paper; wrapping paper; unspecified plain or composite paper.	10 per cent. ad valorem.
Motor trucks, &c., as specified in Tariff Items 130 (*a*) and (*b*).	10 per cent. ad valorem.
Motor cars, chassis and rubber pneumatic tyres and tubes of Canadian origin.	To be admitted at the same rates as those of United Kingdom origin under Tariff Items 129 (*a*) and (*c*) and 260.

(21) Sarawak.

Condensed milk - -	10 per cent. ad valorem.

Canada—*continued.*

1st Sch. —*cont.*

SCHEDULE E.

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General.
20 *a*	Butter produced from the cocoa bean per pound	Free	3 cts.	3 cts.
79	Florist stock, viz.: Azaleas, rhododendrons, pot-grown lilacs, rose stock and other stock for grafting, seedling carnation stock, araucarias, bulbs, corms, tubers, rhizomes and dormant roots, n.o.p.; seedling stock for grafting, viz.: plum, pear, peach and other fruit trees - - - - - -	Free	15 p.c.	20 p.c.
83	Potatoes, as hereunder defined: (*a*) In their natural state - per 100 pounds	Free	Free	75 cts.
143 *a*	Cigarettes, the weight of the paper covering to be included in the weight for duty per pound and	3.50 dol. 25 p.c.	4.10 dol. 25 p.c.	4.10 dol. 25 p.c.
144	Cut tobacco - - - - - per pound	80 cts.	95 cts.	95 cts.
145	Manufactured tobacco, n.o.p., and snuff per pound	75 cts.	90 cts.	90 cts.
146	Ale, beer, porter and stout, when imported in casks or otherwise than in bottle - per gallon	25 cts.	35 cts.	35 cts.
147	Ale, beer, porter and stout, when imported in bottles - - - - - - per gallon Provided that six quart bottles or twelve pint bottles shall be held to contain one gallon.	30 cts.	50 cts.	50 cts.
152	Lime juice, fruit syrups and fruit juices, n.o.p.	15 p.c.	25 p.c.	25 p.c.
156	Ethyl alcohol, or the substance commonly known as alcohol, hydrated oxide of ethyl or spirits of wine, n.o.p.; gin of all kinds, n.o.p.; whisky and all spirituous or alcoholic liquors, n.o.p.; amyl alcohol or fusel oil, or any substance known as potato spirit or potato oil; methyl alcohol, wood alcohol, wood naphtha, pyrosylic spirit or any substance known as wood spirit or methylated spirits; absinthe, arrack, or palm spirit, brandy, including artificial brandy and imitations of brandy, n.o.p.; cordials and liqueurs of all kinds, n.o.p.; mescal, pulque, rum shrub, schiedam and other schnapps; tafia, angostura and similar alcoholic bitters or beverages; and wines, n.o.p., containing more than forty per cent. of proof spirit, per gallon of the strength of proof - - - Provided, as to all goods specified in Item No. 156 when of less strength than the strength of proof, that no reduction or allowance shall be made in the measurement thereof for duty purposes, below the strength of 15 per cent. under proof.	8 dol.	10 dol.	10 dol.

Canada—*continued.*

1st Sch.—*cont.*

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General.
157 *a*	Amyl alcohol or refined fusel oil, when imported by the Department of National Revenue, or by a person licensed by the Minister, to be denatured for use in the manufacture of metal varnishes or lacquers, to be entered at ports prescribed by regulations of the Minister, subject to the Excise Act and to the regulations of the Department of National Revenue - - - per gallon	Free	25 cts.	25 cts.
159	Spirits and strong waters of any kind, mixed with any ingredient or ingredients, as being or known or designated as essences, extracts, or ethereal and spirituous fruit essences, n.o.p. - - - - - per gallon and	8 dol. 30 p.c.	10 dol. 30 p.c.	10 dol. 30 p.c.
160	Alcoholic perfumes and perfumed spirits, bay rum, cologne and lavender waters, lotions, hair, tooth and skin washes, and other toilet preparations containing spirits of any kind:—			
	(*a*) when in bottles or flasks containing not more than four ounces each - - -	60 p.c.	90 p.c.	90 p.c.
	(*b*) when in bottles, flasks or other packages, containing more than four ounces each - - - - - per gallon and	5 dol. —	5 dol. 40 p.c.	5 dol. 40 p.c.
166	Acetone and amyl acetate - - -	10 p.c.	30 p.c.	30 p.c.
168	Malt flour containing less than 50 per centum in weight of malt; malt syrup or malt syrup powder; extracts of malt, fluid or not; grain molasses—all articles in this item upon valuation without British or foreign excise duties, under regulations prescribed by the Minister - - - - - per pound and	3 cts. 20 p.c.	5 cts. 30 p.c.	10 cts. 35 p.c.
ex 171	Comic periodicals for juveniles - - -	Free	10 p.c.	10 p.c.
171	Books, printed, periodicals and pamphlets, or parts thereof, n.o.p., not to include blank account books, copy books, or books to be written or drawn upon - - - -	Free	10 p.c.	10 p.c.
ex 178	Printed advertising matter issued by railway systems - - - - - - -	Free	—	—
178	Advertising and printed matter, viz.: Advertising pamphlets, advertising show cards, illustrated advertising periodicals; price books, catalogues and price lists; advertising almanacs and calendars; patent medicine or other advertising circulars, fly sheets or pamphlets; advertising chromos, chromo-types, oleographs or like work produced by any process other than hand painting or drawing, and having any advertisement or advertising matter printed, lithographed or stamped thereon, or attached thereto, including advertising bills, folders and posters, or			

CANADA—*continued.*

1ST SCH. —*cont.*

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General.
	other similar artistic work, lithographed, printed or stamped on paper or cardboard for business or advertisement purposes, n.o.p. - - - - - per pound	5 cts.	12½ cts.	15 cts.
	Provided, that when imported under the General Tariff rate, the duty shall be not less than - - - - -	—	—	35 p.c.
188	Plain basic photographic paper, baryta coated, adapted for use exclusively in manufacturing albumenized or sensitized photographic paper	Free	15 p.c.	15 p.c.
ex 192	Roofing and shingles of saturated felt - -	Free	25 p.c.	35 p.c.
ex 199	Waxed stencil paper for use on duplicating machines - - - - - - -	10 p.c.	32½ p.c.	35 p.c.
ex 203	Chemical compounds composed of two or more acids or salts soluble in water, adapted for dyeing or tanning - - - - -	Free	10 p.c.	10 p.c.
ex 203	Aniline and coal tar dyes, soluble in water, in bulk or packages of not less than one pound weight - - - - - - -	Free	10 p.c.	10 p.c.
ex 206	Bacteriological products or serum for subcutaneous injection - - - - -	Free	20 p.c.	20 p.c.
ex 207	Blood albumen - - - - - -	Free	10 p.c.	10 p.c.
ex 208	Sal ammoniac and nitrate of ammonia - -	Free	25 p.c.	25 p.c.
ex 208	Oxide of cobalt - - - - - -	Free	10 p.c.	10 p.c.
ex 208	Bichloride of tin and tin crystals - - -	Free	10 p.c.	10 p.c.
ex 208	Sulphate of copper (blue vitriol) - - -	Free	10 p.c.	10 p.c.
ex 208	Sulphate of iron (copperas) - - - -	Free	10 p.c.	10 p.c.
ex 208	Cream of tartar in crystals and tartaric acid crystals - - - - - - -	Free	10 p.c.	10 p.c.
ex 208	Phosphorus and compounds thereof, n.o.p. -	Free	20 p.c.	20 p.c.
ex 208	Oxalic acid - - - - - - -	Free	20 p.c.	20 p.c.
ex 208	Oxide of tin or of copper - - - -	Free	15 p.c.	15 p.c.
ex 208	Sulphate of zinc and chloride of zinc - -	Free	20 p.c.	20 p.c.
208 *b*	Bisulphate of soda or nitre cake - - -	Free	20 p.c.	20 p.c.
208 *d*	Calcium chloride, not in solution, for road-treating purposes only - - - - -	Free	15 p.c.	15 p.c.
208 *e*	Xanthates, cresylic acid and compounds of cresylic acid, used in the process of concentrating ores, metals or minerals - - -	Free	15 p.c.	15 p.c.
208 *h*	Ethylene glycol, when imported by manufacturers of anti-freezing compounds to be used exclusively in the manufacture of anti-freezing compounds, in their own factories -	Free	15 p.c.	15 p.c.
ex 209	Bichromate of potash, crude; red and yellow prussiate of potash - - - - -	Free	15 p.c.	15 p.c.
210	Peroxide of soda; silicate of soda in crystals or in solution; bichromate of soda; nitrate of soda or cubic nitre; sulphide of sodium; nitrite of soda; arseniate, binarseniate, chlorate, bisulphite and stannate of soda; prussiate of soda and sulphite of soda - -	Free	15 p.c.	20 p.c.
210 *d*	Sodium, sulphate of, crude, or salt cake per pound	½ ct.	⅗ ct.	⅗ ct.
ex 211	Chloride of aluminium, or chloralum - -	Free	10 p.c.	10 p.c.
212	Sulphate of alumina or alum cake; and alum in bulk, ground or unground, but not calcined	Free	15 p.c.	15 p.c.
215	Stearic acid, n.o.p. - - - - - -	Free	17½ p.c.	20 p.c.
ex 216	Acids, n.o.p., of a kind not produced in Canada	Free	25 p.c.	25 p.c.

Canada—*continued.*

1st Sch.—*cont.*

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General.
ex 216	Phosphoric acid - - - - - -	Free	25 p.c.	25 p.c.
ex 216	Nitric acid, not including glass containers, when in packages weighing not more than 100 pounds - - - - - - -	Free	20 p.c.	22½ p.c.
ex 217	Sulphuric and muriatic acids, not including glass containers, when in packages weighing not more than 100 pounds - per 100 pounds	Free	22½ cts.	25 cts.
218	Acid phosphate, not medicinal - - -	Free	25 p.c.	25 p.c.
ex 219	Sulphuric ether and chloroform - - -	Free	25 p.c.	25 p.c.
219 *c*	Non-alcoholic preparations or chemicals, such as are used for disinfecting, dipping or spraying, when in packages not exceeding three pounds each in weight, the weight of such packages to be included in the weight for duty	5 p.c.	25 p.c.	25 p.c.
229	Soap, common or laundry - per 100 pounds	50 cts.	1.50 dol.	1.50 dol.
230	Castile soap, the weight of the cartons and wrappings to be included in the weight for duty - - - - - - per pound	Free	2 cts.	2 cts.
ex 232	Glue, liquid, powdered or sheet, and gelatine, n.o.p. - - - - - - - -	17½ p.c.	25 p.c.	25 p.c.
	and per pound	2 cts.	5 cts.	5 cts.
232 *b*	Vegetable glue - - - - - -	10 p.c.	35 p.c.	35 p.c.
232 *c*	Gelatine, edible - - - - - -	10 p.c.	35 p.c.	35 p.c.
234	Perfumery, including toilet preparations, non-alcoholic, viz., hair oils, tooth and other powders and washes, pomatums, pastes and all other perfumed preparations, n.o.p., used for the hair, mouth or skin -	20 p.c.	40 p.c.	40 p.c.
236	Surgical dressings, antiseptic or aseptic, including absorbent cotton, lint, lamb's wool, tow, jute, oakum, woven fabric of cotton weighing not more than seven and one-half pounds per one hundred square yards, whether imported singly or in combination one with another, but not stitched or otherwise manufactured; surgical trusses and suspensory bandages of all kinds; sanitary napkins, spinal braces and abdominal supports - - - - - - - -	12½ p.c.	25 p.c.	35 p.c.
240	Ultramarine blue, dry or in pulp; whiting or whitening; Paris white and gilders' whiting; blanc fixé; satin white - - - -	Free	10 p.c.	10 p.c.
241	Litharge, other than for battery purposes -	Free	15 p.c.	15 p.c.
ex 242	Dry red lead and orange mineral; zinc oxides such as zinc white and lithopone - - -	Free	15 p.c.	15 p.c.
245	Ochres, ochrey earths, siennas and umbers -	5 p.c.	15 p.c.	15 p.c.
249	Varnishes, lacquers, japans, japan driers, liquid driers, and oil finish, n.o.p. per gallon	20 cts.	20 cts.	20 cts.
	and	15 p.c.	25 p.c.	30 p.c.
253	Putty of all kinds - - - - - - -	17½ p.c.	27½ p.c.	27½ p.c.
254	Gums, viz.: Amber, Arabic, Australian, copal, damar, elemi, kaurie, mastic, sandarac, Senegal, tragacanth, gedda, and barberry; gum chicle or sappato gum, crude; lac, crude, seed, button, stick and shell; ambergris; Pontianac - - - - - - -	Free	15 p.c.	15 p.c.
256	Printing ink - - - - - - -	12½ p.c.	17½ p.c.	25 p.c.
ex 256	Rotogravure ink - - - - - -	12½ p.c.	17½ p.c.	20 p.c.

CANADA—*continued.*

1ST SCH. —*cont.*

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General
264	Essential oils, n.o.p., including bay oil, otto of limes, and peppermint oil - - - -	Free	7½ p.c.	7½ p.c.
276 *b*	Cotton seed and crude cotton seed oil, when imported by manufacturers of cotton seed meal and refined cotton seed oil, for use exclusively in the manufacture of such commodities in their own factories - -	Free	10 p.c.	10 p.c.
277	Palm and palm kernel oil, unbleached or bleached, not edible; shea butter - -	Free	10 p.c.	10 p.c.
278	Oils, viz.: Cocoanut, palm and palm kernel, not edible, for manufacturing soap; carbolic or heavy oil; olive oil for manufacturing soap or tobacco, or for canning fish - - -	Free	10 p.c.	10 p.c.
ex 284	Earthenware tiles, for roofing purposes - -	Free	32½ p.c.	35 p.c.
287	Tableware of china, porcelain, semi-porcelain, white granite or ironstone - - - -	Free	35 p.c.	35 p.c.
288	Earthenware and stoneware, brown or coloured and Rockingham ware; "C.C." or cream-coloured ware, decorated, printed or sponged; and all earthenware, n.o.p. - - - -	25 p.c.	35 p.c.	35 p.c.
289	Baths, bathtubs, basins, closets, lavatories, urinals, sinks and laundry tubs of earthenware, stone, cement, clay or other material, n.o.p. - - - - - - - -	20 p.c.	35 p.c.	35 p.c.
300	Crucibles of clay, sand or plumbago - -	Free	15 p.c.	15 p.c.
ex 312	Asbestos in any form other than crude, and all manufactures thereof, when made from crude asbestos of Empire origin - - -	Free	22½ p.c.	25 p.c.
318	Common and colourless window glass - -	Free	15 p.c.	15 p.c.
319	Glass, in sheets, and bent plate glass, n.o.p. -	Free	25 p.c.	25 p.c.
320	Plate glass, not bevelled, in sheets or panes not exceeding seven square feet each, n.o.p. -	Free	25 p.c.	25 p.c.
321	Plate glass, not bevelled, in sheets or panes exceeding seven square feet each, and not exceeding twenty-five square feet each, n.o.p.	Free	25 p.c.	25 p.c.
322	Plate glass, n.o.p. - - - - - -	20 p.c.	30 p.c.	35 p.c.
ex 339	Lead capsules for bottles - - - -	10 p.c.	27½ p.c.	30 p.c.
340	Type for printing, including chases, quoins and slugs, of all kinds - - - - -	7½ p.c.	17½ p.c.	20 p.c.
341	Babbit metal and type metal, in blocks, bars, plates and sheets - - - - - -	10 p.c.	20 p.c.	20 p.c.
348 *d*	Copper in bars or rods, when imported by manufacturers of trolley, telegraph and telephone wires, electric wires and electric cables, for use only in the manufacture of such articles in their own factories - -	Free	10 p.c.	10 p.c.
349	Brass in bars and rods, in coil or otherwise, not less than six feet in length, and brass in strips, sheets or plates, not polished, planished or coated - - - - -	5 p.c.	10 p.c.	15 p.c.
350	Wire of all metals and kinds, n.o.p. -	10 p.c.	30 p.c.	35 p.c.

Canada—*continued.*

1st Sch. —*cont.*

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General.
ex 350 ex 351 ex 353 ex 353*a* ex 354 ex 361 ex 711	Aluminium and alloys thereof, crude or semi-fabricated, viz.: pigs, ingots, blocks, notch bars, slabs, billets and blooms; scrap; bars, rods and wire; angles, channels, beams, tees, and other rolled or drawn sections and shapes; pipes and tubes; plates, sheets and strips, including circles; leaf or foil, less than ·005 inch in thickness, plain or embossed, with or without backing; wire and cable, twisted or stranded, reinforced with steel or not; aluminium powder	Free	30 p.c.	30 p.c.
ex 352 ex 362	Coin locks of which solid brass or bronze are the components of chief value, plain, polished or plated	15 p.c.	35 p.c.	40 p.c.
354	Manufactures of aluminium, n.o.p.	15 p.c.	30 p.c.	30 p.c.
ex 354 *a*	Kitchen or household hollowware of aluminium, n.o.p.	20 p.c.	30 p.c.	30 p.c.
ex 355 ex 356	Nickel in ingots or blocks, n.o.p.; nickel bars and rods, not including bars or rods depolarized or otherwise processed for use as anodes; and nickel in strips, sheets or plates	Free	—	—
361	Gold and silver leaf; Dutch or schlag metal leaf; brocade and bronze powders	15 p.c.	30 p.c.	30 p.c.
370	Rollers, copper, adapted for use in calico printing	Free	10 p.c.	10 p.c.
377 *c*	Ingots, cogged ingots, blooms, slabs, billets, n.o.p., of iron or steel, of a class or kind not made in Canada, when imported by manufacturers of forgings for use exclusively in the manufacture of forgings, in their own factories, under regulations prescribed by the Minister - per ton	Free	3 dol.	3 dol.
378	Bars and rods, of iron or steel; billets, of iron or steel, weighing less than 60 pounds per lineal yard:—			
	(*d*) Hot rolled, valued at not less than 4 cents per pound, n.o.p.	Free	12½ p.c.	15 p.c.
ex 378	Bars of iron or steel, hot rolled, 5 inches in diameter and larger, when imported by manufacturers of polished shafting for use in their own factories - per ton	Free	7 dol.	7 dol.
ex 378 *a* ex 378 *c*	Sash or casement sections of iron or steel, hot or cold rolled, not punched, drilled nor further manufactured, when imported by manufacturers of metal window frames, for use in their own factories - per ton	Free	7 dol.	7 dol.
380	Plates of iron or steel, hot or cold rolled:—			
	(*a*) Not more than 66 inches in width, n.o.p. - per ton	4.25 dol.	8 dol.	8 dol.
	(*b*) More than 66 inches in width, n.o.p. per ton	Free	6 dol.	6 dol.
381	Sheets of iron or steel, hot or cold rolled:—			
	(*a*) ·080 inch or less in thickness, n.o.p.	7½ p.c.	20 p.c.	20 p.c.
ex 381 *a*	Sheets of iron or steel, hot or cold rolled, with silicon content of ·075 per cent. or more, when imported by manufacturers of electrical apparatus, for use in the manufacture of electrical apparatus in their own factories	Free	12½ p.c.	12½ p.c.

Canada—*continued.*

1st Sch. —*cont.*

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General.
ex 382 *a*	Hoop steel, hot or cold rolled, plain or coated, ·064 inch or less in thickness, not more than three inches in width, when imported by manufacturers of barrels or kegs or by manufacturers of flat hoops for barrels and kegs, for use exclusively in their own factories	Free	12½ p.c.	12½ p.c.
ex 382 *a*	Band steel, hot rolled, ·080 inch or less in thickness, n.o.p.	7½ p.c.	15 p.c.	15 p.c.
ex 382 *b*	Band steel, hot rolled, more than ·080 inch in thickness, n.o.p. per ton	4 dol.	8 dol.	8 dol.
ex 382 *c*	Strip steel, cold rolled, or cold drawn, ·080 inch or less in thickness, n.o.p.	7½ p.c.	20 p.c.	20 p.c.
383	Sheets, plates, hoop, band or strip, of iron or steel:—			
	(*a*) Coated with tin, of a class or kind not made in Canada, n.o.p.	Free	15 p.c.	15 p.c.
	(*b*) Coated with tin, n.o.p.	Free	20 p.c.	20 p.c.
	(*c*) Coated with zinc, n.o.p.	7½ p.c.	20 p.c.	20 p.c.
ex 385	Sheets, plates, hoop, band or strip, of rust, acid or heat-resisting steels, hot rolled, valued at not less than five cents per pound	Free	20 p.c.	20 p.c.
386	Sheets, plates, hoop, band or strip, of iron or steel, as hereunder defined, under regulations prescribed by the Minister:—			
	(*a*) Plates, when imported by manufacturers for use exclusively in the manufacture or repair of the pressure parts of boilers, pulp digesters, steam accumulators and vessels for the refining of oil, in their own factories per ton	Free	5 dol.	5 dol.
	(*m*) (i) Sheets of iron or steel, cold rolled, when imported by manufacturers for use exclusively in the manufacture of sheets coated with tin	Free	15 p.c.	15 p.c.
	(ii) Sheets, hoop, band or strip, of iron or steel, hot rolled, when imported by manufacturers for use exclusively in the manufacture of sheets, hoop, band or strip, coated with zinc or other metal or metals, not including tin, in their own factories, on and after September 1, 1931	5 p.c.	20 p.c.	20 p.c.
ex 387	Steel grooved (or girder) rails for electric tramway use, weighing not less than 75 pounds per lineal yard, punched, drilled, or not, of shapes and lengths not made in Canada per ton	Free	7 dol.	7 dol.
388	Iron or steel angles, beams, channels, columns, girders, joists, piling, tees, zees, and other shapes or sections, not punched, drilled, or further manufactured than hot rolled, weighing not less than 35 pounds per lineal yard, n.o.p. per ton	Free	3 dol.	3 dol.
388 *b*	Iron or steel angles, beams, channels, columns, girders, joists, piling, tees, zees, and other shapes or sections, not punched, drilled or further manufactured than hot rolled, n.o.p. per ton	4 dol.	7 dol.	7 dol.

CANADA—*continued.*

1st Sch. —*cont.*

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General.
ex 388	Iron or steel side or centre sill sections, of all sizes not manufactured in Canada, weighing not less than 35 pounds per lineal yard, not punched, drilled or further manufactured, when imported by manufacturers of railway cars, for use in their own factories per ton	Free	3 dol.	3 dol.
ex 392	Forgings of iron or steel, in any degree of manufacture, hollow, not less than 12 inches in internal diameter	Free	30 p.c.	30 p.c.
393	Tires, of steel, in the rough, not drilled or machined in any manner, for railway vehicles, including locomotives and tenders	Free	10 p.c.	10 p.c.
394	Axles and axle bars, n.o.p., and axle blanks, and parts thereof, of iron or steel:			
	(*a*) For railway vehicles, including locomotives and tenders	10 p.c.	27½ p.c.	30 p.c.
401	Wire, of iron or steel:			
	(*a*) Barbed fencing, coated or not	Free	10 p.c.	10 p.c.
	(*b*) Twisted, braided or stranded, including wire rope or cable, coated or not, n.o.p.	15 p.c.	25 p.c.	25 p.c.
	(*c*) Drawn flat or cold rolled flat after drawing, coated or not, n.o.p., not more than ·25 inch in width and less than ·1875 inch in thickness	7½ p.c.	20 p.c.	20 p.c.
	(*d*) Coated with zinc, or spelter, curved or not, in coils, ·144, ·104 or ·092 inch in diameter, with tolerance not to exceed ·004 inch, and not for use in telegraph or telephone lines	Free	10 p.c.	10 p.c.
	(*e*) Coated with zinc or spelter, n.o.p.	10 p.c.	20 p.c.	20 p.c.
	(*f*) Single or several, covered with any material, including cable so covered, coated, n.o.p.	15 p.c.	30 p.c.	30 p.c.
	(*g*) N.O.P.	15 p.c.	20 p.c.	20 p.c.
406	Coil chain, coil chain links, including repair links, and chain shackles, of iron or steel:			
	(*b*) Less than one and one-eighth inches in diameter	15 p.c.	25 p.c.	25 p.c.
407 *a*	Chains, of iron or steel, n.o.p.	20 p.c.	30 p.c.	35 p.c.
408	Malleable sprocket chain and link belting chain, of iron or steel, including roller chain of all kinds for operating on steel sprockets or gears when imported by manufacturers of agricultural implements for use exclusively in the manufacture of agricultural implements, in their own factories, under regulations prescribed by the Minister	Free	10 p.c.	10 p.c.
409	Cream separators and complete parts therefor, including steel bowls	Free	25 p.c.	25 p.c.
410 *l*	Ore crushers, rock crushers, stamp mills, grinding mills, rock drills, percussion coal cutters, coal augers, rotary coal drills, n.o.p., and complete parts of all the foregoing, for use exclusively in mining, metallurgical or quarrying operations	7½ p.c.	20 p.c.	25 p.c.
ex 410 *o*	Coal cutting machines, n.o.p.	Free	10 p.c.	10 p.c.
ex 412 *a*	Offset presses; lithographic presses; printing presses and type making accessories therefor, n.o.p.	Free	10 p.c.	15 p.c.

CANADA—*continued.*

1ST SCH. —*cont.*

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General.
412 *b*	Flat bed cylinder printing presses, to print sheets of a size 25 by 38 inches or larger, and complete parts thereof; machines designed to fold or sheet-feed paper or cardboard, and complete parts thereof	Free	10 p.c.	15 p.c.
414	Typewriters and complete parts thereof	Free	25 p.c.	25 p.c.
ex 422 *a*	Trench and ditch excavating machines, round wheel or vertical or ladder boom, chain and bucket type, for digging vertical or sloping bank ditches	Free	10 p.c.	15 p.c.
ex 427	Ball and roller bearings	5 p.c.	27½ p.c.	35 p.c.
ex 427	Machinery, viz.: Power churns, power milk coolers, power fillers and cappers, power ice-cream mixers, power butter printers, power cream savers, power bottle sterilizers, power brine tanks, power milk bottle washers, power milk can washers; ice-breaking machines, valveless or centrifugal milk pumps, sanitary milk and cream vats; none of the foregoing to include motive power	Free	27½ p.c.	35 p.c.
ex 428 *a*	Engines for motor trucks or motor buses, when of 100 h.p. or more	Free	25 p.c.	27½ p.c.
429	Cutlery of iron or steel, plated or not:			
	(*b*) Table knives and table forks	15 p.c.	30 p.c.	35 p.c.
	(*c*) Penknives, jack-knives, and pocket knives of all kinds	Free	30 p.c.	30 p.c.
	(*d*) Knives, n.o.p.	Free	30 p.c.	30 p.c.
	(*e*) Spoons	15 p.c.	30 p.c.	35 p.c.
	(*f*) Scissors and shears, n.o.p.	Free	30 p.c.	30 p.c.
	(*g*) Razors and razor blades	Free	30 p.c.	30 p.c.
431 *b*	Adzes, anvils, vices, cleavers, hatchets, saws, augers, bits, drills, files, rasps, screw-drivers, planes, spokeshaves, chisels, mallets, metal wedges, wrenches, sledges, hammers, crowbars, cantdogs, and track tools, picks, mattocks, and eyes or poles for the same	10 p.c.	35 p.c.	35 p.c.
ex 438 *a* ex 438 *b* ex 438 *c*	Motor vehicles, n.o.p., not including motor buses	Free	—	—
ex 438 *b*	Motor cycles or sidecars therefor	Free	20 p.c.	30 p.c.
440 *j*	Trawls, trawling spoons, fly hooks, sinkers, swivels, sportsmen's fishing reels, bait and hooks, and fishing tackle, n.o.p.	Free	25 p.c.	30 p.c.
ex 441	Guns and rifles of a class or kind not made in Canada	5 p.c.	27½ p.c.	30 p.c.
445 *c*	Electric telegraph or telephone apparatus and complete parts thereof	Free	25 p.c.	30 p.c.
445 *d*	Electric wireless or radio apparatus and complete parts thereof	Free	25 p.c.	30 p.c.
ex 445 *e*	Electric storage batteries, composed of plates measuring not less than eleven inches by fourteen inches and not less than three-quarters inch in thickness; complete parts thereof	Free	25 p.c.	27½ p.c.
ex 445 *k*	Flame proof electric switch gear, for use underground in coal mines	Free	20 p.c.	30 p.c.
446	Electric steam turbo generator sets, 700 h.p. and greater, of a class or kind not made in Canada, and complete parts thereof	Free	20 p.c.	25 p.c.

CANADA—*continued.*

1st Sch. —*cont.*

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General.
ex 446 *a*	Steel bicycle rims, not enamelled nor plated	Free	27½ p.c.	35 p.c.
ex 446 *a*	Golf shafts of seamless steel, coated or not, but not chromium plated	10 p.c.	35 p.c.	35 p.c.
ex 446 *a*	Bottles or cylinders of seamless steel used as high-pressure containers for gas	Free	25 p.c.	25 p.c.
ex 446 *a*	Steel balls not larger than three-eighths inch in diameter, commonly known as "burnishing balls"	Free	7½ p.c.	10 p.c.
ex 476	Surgical and dental instruments of any material; surgical needles; X-ray apparatus; microscopes valued at not less than $50 each, by retail; and complete parts of all the foregoing	Free	10 p.c.	10 p.c.
488	Nitrate and acetate of lead, not ground; platinum and black oxide of copper, for use in the manufacture of chlorates and colours	Free	10 p.c.	10 p.c.
522	Rovings, yarns and warps wholly of cotton, not more advanced than singles, n.o.p. and per pound	12½ p.c. 2 cts.	15 p.c. 3½ cts.	22½ p.c. 4 cts.
522 *c*	Rovings, yarns and warps wholly of cotton, including threads, cords and twines generally used for sewing, stitching, packaging and other purposes, n.o.p.; cotton yarns, wholly or partially covered with metallic strip, generally known as tinsel thread and per pound	15 p.c. 2 cts.	22½ p.c. 3½ cts.	25 p.c. 4 cts.
522 *d*	Yarns and warps wholly of cotton, mercerised, number forty and finer, imported by manufacturers to be further manufactured in their own factories	Free	25 p.c.	25 p.c.
ex 522	Yarns and warps wholly of cotton, number forty and finer, when imported by manufacturers of mercerised cotton yarns, for use exclusively in the manufacture of mercerised cotton yarns, in their own factories	Until Dec. 31, 1933: Free Thereafter: Free	 Free 15 p.c.	 Free 15 p.c.
523	Woven fabrics, wholly of cotton, not bleached, mercerised, nor coloured, n.o.p., and cotton seamless bags and per pound	17½ p.c. 2 cts.	20 p.c. 3½ cts.	25 p.c. 4 cts.
523 *a*	Woven fabrics wholly of cotton, bleached or mercerised, not coloured, n.o.p. and per pound	20 p.c. 2 cts.	22½ p.c. 3½ cts.	27½ p.c. 4 cts.
523 *b*	Woven fabrics wholly of cotton, printed, dyed or coloured, n.o.p. and per pound	22½ p.c. 2 cts.	27½ p.c. 3½ cts.	32½ p.c. 4 cts.
ex 523 ex 523 *a* ex 523 *b*	Woven fabrics wholly of cotton, composed of yarns of counts of 100 or more, including all such fabrics in which the average of the count of warp and weft yarns is 100 or more and per pound	Free —	27½ p.c. 3½ cts.	32½ p.c. 4 cts.
523 *e*	Woven fabrics wholly of cotton with cut pile, n.o.p. and per pound	15 p.c. —	27½ p.c. 3½ cts.	32½ p.c. 4 cts.
523 *f*	Woven fabrics of cotton, not coloured, when imported by manufacturers of typewriter ribbon for use exclusively in the manufacture of such ribbon in their own factories	Free	12½ p.c.	15 p.c.

Canada—*continued.*

1st Sch. —*cont.*

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General.
524	Seamless cotton duck in circular form, of a class or kind not made in Canada, for use in the manufacture of hose pipe - - -	Free	10 p.c.	10 p.c.
528	White cotton bobinet, plain, in the web - -	Free	25 p.c.	25 p.c.
529	Embroideries, lace, nets, nettings, bobinet, n.o.p., fringes and tassels, wholly of cotton -	20 p.c.	27½ p.c.	30 p.c.
	and per pound	2 cts.	3½ cts.	4 cts.
532	Clothing, wearing apparel and articles, made from woven fabrics and all textile manufactures, wholly or partially manufactured, composed wholly of cotton, n.o.p.; fabrics wholly of cotton, coated or impregnated, n.o.p. - - - - - - - -	25 p.c.	30 p.c.	35 p.c.
	and per pound	2 cts.	3½ cts.	4 cts.
537 *b*	Linen thread for hand or machine sewing -	Free	22½ p.c.	25 p.c.
ex 540	From the four existing linen items marginally named, it is proposed to draft a new linen schedule which will accord to the United Kingdom *free entry* on a very wide range of fabrics and articles, administration of the new legislation to be on the basis suggested by the following tentative proposals :—	Free	25 p.c.	27½ p.c.
ex 540 *a*		Free	30 p.c.	32½ p.c.
ex 540 *b*		Free	30 p.c. & 3½ cts.	32½ p.c. & 4 cts.
ex 540 *c*		Free	30 p.c. & 3½ cts.	35 p.c. & 4 cts.
	(*a*) Woven fabrics, in the web, wholly of flax or hemp, not to include towelling and glass cloth of crash or huck, with or without lettering or monograms woven in, nor table cloths and napkins of crash with coloured borders.			
	(*b*) Articles wholly of flax or hemp, such as sheets, pillow cases, table cloths and napkins, towels and handkerchiefs, but not to include towels or glass cloths of crash or huck, with or without lettering or monograms woven in, nor table cloths and napkins of crash with coloured borders.			
541 *a*	Woven fabrics, wholly of jute, n.o.p. - -	Free	22½ p.c.	25 p.c.
551	Yarns, composed wholly or in part of wool or hair, but not containing silk or artificial silk, n.o.p. - - - - - - -	15 p.c.	20 p.c.	22½ p.c.
	and per pound	11¼ cts.	20 cts.	22½ cts.
ex 551 *a*	Yarns and warps composed wholly of hair, imported by manufacturers for use in their own factories - - - - - - -	Free	17½ p.c.	20 p.c.
	and per pound	—	15 cts.	17½ cts.
551 *a*	Yarns and warps composed wholly or in part of wool or hair, imported by manufacturers for use exclusively in their own factories, n.o.p. - - - - - - -	10 p.c.	17½ p.c.	20 p.c.
	and per pound	7½ cts.	15 cts.	17½ cts.
552	Felt, pressed, of all kinds in the web, not consisting of or in combination with any woven, knitted or other fabric or material - -	15 p.c.	22½ p.c.	25 p.c.
	and per pound	7½ cts.	17½ cts.	20 cts.
553	Blankets of any material, not to include automobile rugs, steamer rugs or similar articles	22½ p.c.	30 p.c.	35 p.c.
	and per pound	10 cts.	25 cts.	30 cts.

Canada—*continued.*

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General.
554	Woven fabrics, composed wholly or in chief part by weight, of yarns of wool or hair, not exceeding in weight six ounces to the square yard, n.o.p., when imported in the gray or unfinished condition, for the purpose of being dyed or finished in Canada - - - -	20 p.c.	25 p.c.	30 p.c.
	and per pound	9¼ cts.	17½ cts.	20 cts.
ex 554	Woven fabrics, composed wholly or in chief part by weight of yarns of wool or hair, not exceeding in weight four ounces to the square yard, when imported in the gray or unfinished condition, for the purpose of being dyed or finished in Canada - - - - -	Free	25 p.c.	30 p.c.
	and per pound	—	17½ cts.	20 cts.
554 *a*	Woven fabrics, consisting of cotton warps with wefts of lustre wool, mohair or alpaca, generally known as lustres or Italian linings, n.o.p.	Free	20 p.c.	25 p.c.
554 *b*	Woven fabrics, composed wholly or in part of yarns of wool or hair, n.o.p. - - -	27½ p.c.	35 p.c.	40 p.c.
	and per pound	18¾ cts.	30 cts.	35 cts.
ex 554 *b*	Woven fabrics, composed wholly or in part of yarns of wool or hair, weighing not less than eighteen ounces per square yard - - -	25 p.c.	35 p.c.	40 p.c.
	and per pound	20 cts.	30 cts.	35 cts.
ex 554 *b*	Woven fabrics, composed wholly or in part of yarns of wool or hair, commonly known as billiard cloth - - - - - -	Free	35 p.c.	40 p.c
	and per pound	—	30 cts.	35 cts.
555	Clothing, wearing apparel and articles made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly or in part of wool or similar animal fibres, but of which the component of chief value is not silk nor artificial silk, n.o.p.; fabrics, coated or impregnated, composed wholly or in part of yarns of wool or hair, but not containing silk nor artificial silk, n.o.p. - - - - - - -	30 p.c.	40 p.c.	40 p.c.
	and per pound	18¾ cts.	32½ cts.	35 cts.
568 *a*	Socks and stockings of all kinds - - -	30 p.c.	32½ p.c.	35 p.c.
	and per each one dozen pairs	75 cts.	1.35 dol.	1.50 dol.
ex 568 *b*	Women's dress gloves of kid, elbow length -	Free	35 p.c.	45 p.c.
572	Turkish or imitation Turkish or other floor rugs or carpets, and carpets, n.o.p. - -	30 p.c.	35 p.c.	40 p.c.
	and per square foot	5 cts.	15 cts.	20 cts.
586	Coal, anthracite, n.o.p. - - - - -	Free	50 cts.	50 cts.
ex 598	Brass band instruments, of a class or kind not made in Canada; bagpipes - - - -	Free	30 p.c.	35 p.c.
604	Belting leather in butts or bends; sole leather and all leather further finished than tanned, n.o.p. - - - - - - - -	12½ p.c.	27½ p.c.	27½ p.c.
ex 604	Genuine pig leathers and genuine Morocco leathers; so-called roller leathers - - -	Free	27½ p.c.	27½ p.c.
605	Leather produced from East India tanned kip, uncoloured or coloured other than black, when imported for use exclusively in lining boots and shoes; genuine reptile leathers -	Free	15 p.c.	15 p.c.

CANADA—*continued.*

Canadian Tariff Item.	Description.	Proposed Rates.		
		British Preferential.	Intermediate.	General.
607 *a*	Leather, not further finished than tanned, in whole hides, in grains or splits, when imported by manufacturers of upholstering leathers, for use exclusively in the manufacture of upholstering leathers, in their own factories - - - - - - - Provided, that the Governor in Council may, when satisfied that the leather specified in this item is being produced in Canada, in quantity and quality sufficient for Canadian requirements, by Order-in-Council direct that this tariff item be repealed.	Free	15 p.c.	15 p.c.
ex 610	Belting of camel's hair, for machinery - -	15 p.c.	27½ p.c.	27½ p.c.
617	India-rubber boots and shoes - - -	Free	22½ p.c.	25 p.c.
625	Caps, hats, muffs, tippets, capes, coats and cloaks of fur, and other manufactures of fur, n.o.p. - - - - - - -	15 p.c.	30 p.c.	35 p.c.
663	Fertilizers, compounded or manufactured, n.o.p. - - - - - - -	Free	7½ p.c.	10 p.c.
684	Rubber thread, not covered - - - -	Free	10 p.c.	15 p.c.
ex 711	Barytes - - - - - - - -	Free	25 p.c.	25 p.c.
ex 711	Charcoal, animal, for use in the refining of sugar - - - - - - - -	Free	25 p.c.	25 p.c.
ex 711	Mineral wool - - - - - - - -	Free	25 p.c.	25 p.c.
ex 711	A new item (not finally drafted) to provide that *all chemicals and drugs* which were dutiable, at the date of the Conference, under item 711 at - - - - - -	15 p.c.	25 p.c.	25 p.c.
	shall be in future, when of a kind not produced in Canada, dutiable at - - -	Free	25 p.c.	25 p.c.
728	Hyposulphite of soda, when imported by tanners for use in their own factories in the tanning of leather - - - - - -	Free	10 p.c.	10 p.c.
783	Gasoline and steam engines, transmission assemblies and parts thereof, magnetos, starting motors, electric generators, propeller shafts, steel chassis frames, brakes, clutches, brake and clutch controls, steel road wheels, steel rims for pneumatic tyres, larger than thirty inches by five inches, steering gears and front and rear axles, all of a class or kind not made in Canada, when imported by manufacturers of motor trucks (not for railways or tramways) for carrying goods only, for use only in the manufacture of such motor trucks - -	Free	17½ p.c.	20 p.c.
785	Cocoanut oil, not edible, when imported for use in the manufacture of refined cocoanut oil - - - - - - - -	Free	10 p.c.	10 p.c

Canada—*continued.*

SCHEDULE F.

1st Sch. —*cont.*

Canadian Tariff Item.	Commodity.	Margin of Preference over Intermediate Tariff.
39 A	Sago and tapioca flour	½ c. per lb.
ex 77	Vanilla beans	10 per cent. ad valorem.
87 *n*	Tomatoes	2 c. per lb. throughout the year.
143	Cigars	50 c. per lb.
ex 254	Gums, viz.: Arabic, copal, damar, gum chicle or sappato gum, crude	10 per cent. ad valorem.
264	Essential oils, n.o.p., including bay oil, otto of limes and peppermint oil	7½ per cent. ad valorem.
267 B As revised	Crude petroleum not in its natural state, ·7250 specific gravity or heavier at 60° temperature when imported by oil refiners to be refined in their own factories	1 c. per gallon.
277	Palm and palm kernel oil, unbleached or bleached, non-edible; shea butter	10 per cent. ad valorem.
278	Oils, viz.: cocoanut, palm and palm kernel, not edible, for manufacturing soap; carbolic or heavy oil; olive oil for manufacturing soap or tobacco, or for canning fish	10 per cent. ad valorem.
ex 584	Asphalt or asphaltum, solid	10 per cent. ad valorem.
ex 616	Gutta-percha	10 per cent. ad valorem.
616 *a*	Balata, crude, unmanufactured	10 per cent. ad valorem.
785	Cocoanut oil, not edible, when imported for use in the manufacture of refined cocoanut oil	10 per cent. ad valorem.

In Item 106 (*b*), Fruits, prepared . . . pineapples, British Preferential rate to be reduced to 1 cent per lb. subject to the agreement of His Majesty's Government in the Commonwealth of Australia.

Part II.

United Kingdom–Australian Agreement.

We, the representatives of His Majesty's Government in the United Kingdom and of His Majesty's Government in the Commonwealth of Australia, hereby agree with one another, on behalf of our respective Governments, as follows:—

Article 1.

His Majesty's Government in the United Kingdom undertake that orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the

Australia—*continued.*

1st Sch. —*cont.*

continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of Australian goods which comply with the laws and statutory regulations for the time being in force affecting the grant of Imperial preference and which by virtue of that Act are now free of duty, subject, however, to the reservations set forth in Schedule A appended hereto.

Article 2.

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule B appended hereto, the duties of Customs shown in that Schedule in place of the duties (if any) now leviable.

Article 3.

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to secure to Australian goods of the kinds specified in Schedule C appended hereto which comply with the law and statutory regulations for the time being in force affecting the grant of Imperial preference, the margins of preference specified therein over similar foreign goods.

Article 4.

His Majesty's Government in the United Kingdom undertake that the general ad valorem duty of 10 per cent. imposed by section 1 of the Import Duties Act, 1932, on the foreign goods specified in Schedule D shall not be reduced except with the consent of His Majesty's Government in the Commonwealth of Australia.

Article 5.

The duties provided in this agreement on foreign wheat in grain, copper, lead and zinc on importation into the United Kingdom are conditional in each case on Empire producers of wheat in grain, copper, lead and zinc respectively, continuing to offer those commodities on first sale in the United Kingdom at prices not exceeding the world price.

Article 6.

His Majesty's Government in the United Kingdom and His Majesty's Government in the Commonwealth of Australia agree that arrangements shall be made for the regulation of imports of frozen mutton and lamb and frozen and chilled beef into the United Kingdom in accordance with the declaration by His Majesty's Government in the United Kingdom which is appended as Schedule H.

AUSTRALIA—*continued.*

1st Sch. —*cont.*

ARTICLE 7.

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates to accord to Australia any preference which may for the time being be accorded to any other part of the British Empire, provided that this Article shall not extend to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia and the Territories of the South African High Commission by virtue of the Customs Agreement of 1930, and further will invite the Governments of the colonies and protectorates shown in Schedule E to accord to Australia new or additional preferences on the commodities and at the rates shown therein.

ARTICLE 8.

His Majesty's Government in the Commonwealth of Australia will invite Parliament to pass the legislation making the tariff changes necessary to give effect to the preference formula set forth in Part I of Schedule F appended hereto, subject to the exceptions indicated in Part II of that schedule, and further undertake that existing preferential margins which exceed those laid down in this formula shall be maintained, subject, however, to the right of His Majesty's Government in the Commonwealth of Australia to reduce the existing margins of preference in the case of goods of the kinds specified in Part III of that schedule to an extent not exceeding the amounts shown therein.

ARTICLE 9.

His Majesty's Government in the Commonwealth of Australia undertake that protection by tariffs shall be afforded only to those industries which are reasonably assured of sound opportunities for success.

ARTICLE 10.

His Majesty's Government in the Commonwealth of Australia undertake that during the currency of this Agreement the tariff shall be based on the principle that protective duties shall not exceed such a level as will give United Kingdom producers full opportunity of reasonable competition on the basis of the relative cost of economical and efficient production, provided that in the application of such principle special consideration may be given to the case of industries not fully established.

ARTICLE 11.

His Majesty's Government in the Commonwealth of Australia undertake that a review shall be made as soon as practicable by

Australia—*continued.*

1st Sch. —*cont.*

the Australian Tariff Board of existing protective duties in accordance with the principles laid down in Article 10 hereof, and that after the receipt of the report and recommendation of the Tariff Board the Commonwealth Parliament shall be invited to vary, wherever necessary, the tariff on goods of United Kingdom origin in such manner as to give effect to such principles.

Article 12.

His Majesty's Government in the Commonwealth of Australia undertake that no new protective duty shall be imposed and no existing duty shall be increased on United Kingdom goods to an amount in excess of the recommendation of the Tariff Tribunal.

Article 13.

His Majesty's Government in the Commonwealth of Australia undertake that United Kingdom producers shall be entitled to full rights of audience before the Tariff Board when it has under consideration matters arising under Articles 11 and 12 hereof.

Article 14.

His Majesty's Government in the Commonwealth of Australia undertake in so far as concerns goods the produce or manufacture of the United Kingdom—

(*a*) to repeal as soon as practicable the Proclamation published in Commonwealth Gazette No. 46 of the 19th May, 1932, prohibiting the importation of certain goods;

(*b*) to remove as soon as practicable the surcharges imposed by resolution introduced into the Parliament of Australia on the 24th May, 1932; and

(*c*) to reduce or remove primage duty as soon as the finances of Australia will allow.

Article 15.

His Majesty's Government in the Commonwealth of Australia undertake to accord to the non-self-governing colonies and protectorates and the mandated territories of Tanganyika, the Cameroons under British mandate, and Togoland under British mandate, preferences on the commodities and at the rates shown in Schedule G, and also any preferences for the time being accorded to the United Kingdom if His Majesty's Government in the United Kingdom so request.

Provided that His Majesty's Government in the Commonwealth of Australia shall not be bound to accord any preferences to any colony or protectorate which, not being precluded by

Australia—*continued.*

international obligations from according preferences, either (i) accords to Australia no preferences, or (ii) accords to some other part of the Empire (in the case of Northern Rhodesia, excepting the Union of South Africa, Southern Rhodesia, and the Territories of the South African High Commission) preferences not accorded to Australia.

Article 16.

This Agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in the Commonwealth of Australia is to be regarded as coming into effect as from the date hereof (subject to the necessary legislative or other action being taken as soon as may be practicable hereafter). It shall remain in force for a period of five years, and if not denounced six months before the end of that period shall continue in force thereafter until a date six months after notice of denunciation has been given by either party.

In the event of circumstances arising which, in the judgment of His Majesty's Government in the United Kingdom or of His Majesty's Government in the Commonwealth of Australia, as the case may be, necessitate a variation in the terms of the Agreement, the proposal to vary those terms shall form the subject of consultation between the two Governments.

Signed on behalf of His Majesty's Government
in the United Kingdom:
STANLEY BALDWIN.

Signed on behalf of His Majesty's Government
in the Commonwealth of Australia:
S. M. BRUCE.

(Initialled) R. B. H.
August 20, 1932.

SCHEDULE A.

As regards eggs, poultry, butter, cheese and other milk products, free entry for produce of Australia will be continued for three years certain. His Majesty's Government in the United Kingdom, however, reserve to themselves the right after the expiration of the three years, if they consider it necessary in the interests of the United Kingdom producer to do so, to review the basis of preference, so far as relates to the articles enumerated, and

Australia—*continued.*

after notifying His Majesty's Government in the Commonwealth of Australia either to impose a preferential duty on produce of Australia whilst maintaining existing preferential margins, or in consultation with the Commonwealth Government to bring such produce within any system which may be put into operation for the quantitative regulation of supplies from all sources in the United Kingdom market.

SCHEDULE B.

Wheat, in grain - - -	2*s.* per quarter.
Butter - - - - -	15*s.* per cwt.
Cheese - - - - -	15 per cent. ad valorem.
Apples, raw (excluding apples consigned direct to a registered cider manufacturer for use in making cider).	4*s.* 6*d.* per cwt.
Pears, raw - - - -	4*s.* 6*d.* per cwt.
Apples, canned - - -	3*s.* 6*d.* per cwt. in addition to the duty in respect of sugar content.
Other canned fruits - - -	15 per cent. ad valorem in addition to the duty in respect of sugar content.
Dried fruits, now dutiable at 7*s.*	10*s.* 6*d.* per cwt.
Eggs in shell—	
(*a*) Not exceeding 14 lbs. in weight per great hundred.	1*s.* per great hundred.
(*b*) Over 14 lbs. but not exceeding 17 lbs.	1*s.* 6*d.* per great hundred.
(*c*) Over 17 lbs. - - -	1*s.* 9*d.* per great hundred.
Condensed milk, whole, sweetened.	5*s.* per cwt. in addition to the duty in respect of sugar content.
Condensed milk, whole, not sweetened.	6*s.* per cwt.
Milk powder and other preserved milk, not sweetened.	6*s.* per cwt.
Honey - - - - -	7*s.* per cwt.
Copper, unwrought, whether refined or not, in ingots, bars, blocks, slabs, cakes and rods.	2*d.* per lb.

Australia—*continued.*

Oranges, raw	3*s.* 6*d.* per cwt. from April 1 to November 30.	1st Sch. —*cont.*
Grape-fruit, raw	5*s.* per cwt. from April 1 to November 30.	
Grapes (other than hot-house)	1½*d.* per lb. from February 1 to June 30.	

SCHEDULE C.

	Margin of Preference.
Wine not exceeding 27 degrees of proof spirit	2*s.* per gallon.

SCHEDULE D.

Leather.
Tallow.
Canned meat.
Zinc.
Lead.
Barley.
Wheat flour.
Macaroni.
Dried peas.
Dressed poultry.
Casein.
Eucalyptus oil.
Meat extracts and essences.
Copra.
Sugar of milk.
Sausage casings.
Wattle bark.
Asbestos.
Dried fruits, other than currants, not specified in Schedule B.

Australia—*continued.*

1st Sch. —*cont.*

SCHEDULE E.

(1) The Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Jamaica, the Leeward Islands, Trinidad and Tobago, the Windward Islands.

	Margin of Preference.
Butter - - - -	1½*d*. per lb.

(2) The Bahamas.

Brandy - - -	A specific preference equal to the specific preference for the time being accorded to whisky produced within the Empire.
Wine - - - -	15 per cent. ad valorem.

(3) Barbados, British Guiana, Trinidad.

Brandy—	
Not exceeding the strength of proof.	5*s*. per gallon.
Exceeding the strength of proof.	5*s*. per proof gallon.

(4) Barbados, Jamaica and Trinidad.

Condensed and powdered milk.	10 per cent. ad valorem (or the equivalent specific rate).

(5) Bermuda.

Canned meat - -	15 per cent. ad valorem.
Canned fruit and canned vegetables.	15 per cent. ad valorem.

(6) British Guiana and Trinidad.

Wines—	
Sparkling - - -	5*s*. per gallon.
Other, in bottle - -	2*s*. per gallon.
Other, in wood - -	1*s*. 6*d*. per gallon.

(7) Jamaica.

Biscuits, unsweetened—	
In bulk - - -	2*s*. 1*d*. per 100 lb.
Otherwise packed -	1*d*. per lb.
Canned meat - -	15 per cent. ad valorem.
Fruit, dried - -	15 per cent. ad valorem.
Jams, jellies and preserved fruit.	15 per cent. ad valorem.

1st Sch. *—cont.*

Australia—*continued.*

(8) Ceylon.

	Margin of Preference.
Bacon and ham - -	10 per cent. ad valorem.
Biscuits - - -	10 per cent. ad valorem.
Brandy - - -	Rs. 3·50 per gallon.
Canned fruit and canned vegetables.	15 per cent. ad valorem.
Cheese - - - -	10 per cent. ad valorem.
Fruit, fresh - - -	10 per cent. ad valorem.
Milk, condensed and powdered.	10 per cent. ad valorem.
Wines—	
Sparkling - - -	Rs. 1·50 per gallon.
Other - - -	Rs. 1 per gallon.

(9) Cyprus.

Butter, cheese and timber.	One-third of the duty, in lieu of one-sixth.

(10) The Federated and Unfederated Malay States.

Commodity.	Margin of Preference. (In the case of articles at present free of duty, so soon as it is possible to institute duties thereon.)
Brandy - - -	$2·50 per gallon or proof gallon (according as the duty is assessed per gallon or proof gallon).
Butter, frozen and tinned	4 c. per lb.
Canned fruit and canned vegetables.	15 per cent. ad valorem.
Confectionery - -	10 per cent. ad valorem.
Milk, condensed and powdered.	10 per cent. ad valorem.
Wines—	
Sparkling - - -	$1 per gallon.
Other - - -	60 c. per gallon.

(11) Hong Kong.

Brandy - - -	A margin of preference to be determined later.

(12) Malta.

Biscuits - - -	10 per cent. ad valorem.
Brandy - - -	1*s*. per litre.
Flour - - - -	2*s*. per 100 kilograms.
Milk, condensed and powdered.	10 per cent. ad valorem.

Australia—*continued.*

1st Sch. —*cont.*

	Margin of Preference.
(13) Mauritius.	
Bacon and ham - -	5 rupees per 100 kilograms.
Cheese - - - -	10 per cent. ad valorem.
(14) Straits Settlements.	
Brandy - - -	$2·50 per gallon, or proof gallon (according as the duty is assessed per gallon or proof gallon).
Wines—	
Sparkling - - -	$1 per gallon.
Other - - -	60 cents per gallon.

SCHEDULE F.

Part I.

Subject to the exceptions enumerated in Part II, goods produced or manufactured in the United Kingdom and imported into the Commonwealth of Australia shall, on compliance with the regulations for the time being in force governing the entry of goods at preferential rates of duty, enjoy preferences in accordance with the following formula :—

(*a*) When goods the produce or manufacture of the United Kingdom are free of duty, or are liable to duties of customs not exceeding 19 per cent. ad valorem, the difference between the British preferential tariff rate and the rate upon similar goods from the most favoured foreign country shall be at least 15 per cent. ad valorem.

(*b*) When goods the produce or manufacture of the United Kingdom are liable to duties of customs exceeding 19 per cent. ad valorem, and not exceeding 29 per cent. ad valorem, the difference between the British preferential tariff rate and the rate upon similar goods from the most favoured foreign country shall be at least 17½ per cent. ad valorem.

(*c*) When goods the produce or manufacture of the United Kingdom are liable to duties of customs exceeding 29 per cent. ad valorem, the difference between the British preferential tariff rate and the rate upon similar goods from the most favoured foreign country shall be at least 20 per cent. ad valorem, provided that in no case shall this margin be applied so as to result in a rate of duty exceeding 75 per cent. ad valorem.

AUSTRALIA—*continued.*

PART II.

1ST SCH. —*cont.*

1. The formula prescribed in Part I shall not apply in the case of goods of a class or kind not commercially produced or manufactured in the United Kingdom.

2. The formula prescribed in Part I shall not apply in the case of particular goods in respect of which it may be agreed that its application is unnecessary.

3. The formula prescribed in Part I shall not apply in the case of the following goods, it being understood that the existing preference shall be maintained except where otherwise indicated in the last column of the list :—

Tariff Item.	Goods.	Minimum Margin of Preference to be Accorded.
ex 105 (E) (1)	Velvets, velveteens, plushes, sealette and cloths imitating furs, astrachans, italians containing wool.	
105 K	Piece-goods of a class or kind not produced in Australia which would otherwise be dutiable at a higher rate than that payable under this sub-item imported for use in the manufacture of neck-ties as prescribed by departmental by-laws— (1) Silk or in chief part by weight silk; wool or in chief part by weight wool; and admixtures of wool and silk. (2) Other - - - - - -	
109	Artificial flowers, fruits, plants, leaves and grains, of all kinds and materials.	
123 (B)	Waste, engine cleaning - - - -	
123 (C)	Waste, axle - - - - - -	
136 (G)	High-grade carbon steels and alloy steels containing manganese, silicon, nickel, chromium, tungsten, titanium, vanadium, molybdenum, cobalt or other alloying elements, introduced to impart special qualities to the steel, viz.: ingots, billets, bars, die and tool blocks and blanks, also tapered or bevelled bars and other special shapes, as prescribed by departmental by-laws.	
152 (A)	Iron and steel tubes or pipes (except riveted, cast, close-jointed or cycle tubes or pipes, and welded conduit pipes and tubes), not more than 3 inches internal diameter; iron and steel boiler tubes.	12½ per cent. ad valorem when admitted free of duty from the United Kingdom.
ex 169 (A)	Linotype, monotype, and other type-composing machines, except monoline; typewriters (including covers); machinery used exclusively for and in the actual process of electrotyping and stereotyping; aluminium rotary graining machines; adding and computing machines and all attachments.	20 per cent. ad valorem.

Australia—*continued.*

Tariff Item.	Goods.	Minimum Margin of Preference to be Accorded.
ex 169 (C)	Printing machines and presses, n.e.i., including the following machines and presses, viz.: newspaper printing machines known as "Duplex Tubular" printing from cylindrical stereo plates, as distinct from semi-cylindrical stereo plates; combined tag-making and printing machines; proof presses using rolled paper; roll-fed combined wrapper printing and addressing machines; combined printing and carton-cutting machines.	20 per cent. ad valorem.
177 (B) (2)	Traction engines, as prescribed by departmental by-laws.	12½ per cent. ad valorem. (This preference is granted only in respect of types which are competitive with those manufactured in foreign countries.)
242	Glass, viz.:— (*c*) Polished and patent plate not exceeding 25 square feet. (*d*) Polished and patent plate, n.e.i. -	
285	Medicines: (*a*) Pharmaceutical preparations; patent and proprietary medicines and drugs, and other medicinal preparations; medicinal extracts; essences; juices; infusions; solutions; emulsions; confections; syrups; pills; pilules; tabloids; soloids; ovoids; tablets; capsules; cachets; suppositories; pessaries, n.e.i.; poultices; salves; cerates; ointments; liniments; lotions; pastes and the like; medicinal waters and compounded medicinal oils; medicines for animals. With an additional duty, if spirituous, as follows:— If containing not more than 20 per cent. proof spirit. And for every additional 20 per cent. or fraction thereof of proof spirit.	
334 (H)	True vegetable parchment—in sizes not less than 8 inches by 38 inches (or its equivalent).	
334 (V)	Cards, playing, in sheet or cut - - -	3*s.* per dozen packs.
380 (B)	Vacuum cleaners for use in the household -	20 per cent. ad valorem.
397 (E)	Explosives, n.e.i. - - - - -	

AUSTRALIA—*continued.*

PART III.

1st Sch. —*cont.*

Tariff Item.	Goods.	Maximum Amount of Reduction in Preference.
105 (D) (2)	Piece goods, viz.: silk, or containing silk or having silk worked thereon, except piece goods enumerated in clauses (*b*) and (*c*) of paragraph (1) of sub-item (A), in paragraph (1) of sub-item (D), and in sub-items (AA) and (F) - - - - - - -	2½ per cent. ad valorem.
105 (E)	Piece goods, viz.: lace for attire; lace flouncings; millinery and dress nets; veilings; embroideries in the piece; tucked linens or cottons - - - -	5 per cent. ad valorem.
106 (B)	Trimmings and ornaments, n.e.i., for hats, shoes and other attire, not being partly or wholly of gold or silver; braids, n.e.i.; fringes, n.e.i.; frillings; rufflings; pleatings; ruchings; galloons, n.e.i.; ribbons, n.e.i.; tinselled belting, n.e.i.; webbings, n.e.i.; belting for apparel not elsewhere specified, and not being cut to lengths for belts	5 per cent. ad valorem.
107 (B)	Ribbons and galloons having not more than 48 ribs to the lineal inch and being not more than 3½ inches in width - - -	5 per cent. ad valorem.
113 (B)	Gloves (except of rubber), viz.: n.e.i., including mittens - - - - -	5 per cent. ad valorem.
197 (B)	Cutlery, spoons and forks, n.e.i., and knife sharpeners - - - - - -	5 per cent. ad valorem.
206 (B)	Lamps of glass or chiefly of glass or with glass fronts; glass parts of lamps or lanterns, other than chimneys - - -	5 per cent. ad valorem.
250 (B)	Bottles, decanters, flasks and jars, over 8 drams fluid capacity, of cut glass, empty or containing goods not subject to ad valorem duty - - - - - -	5 per cent. ad valorem.
250 (C)	Glassware, n.e.i. - - - - - -	5 per cent. ad valorem.
250 (F)	Glassware, other than cut glass and heat-resisting glassware for cooking purposes, viz.: dishes, tumblers, salads, bowls, nappies, jugs, candlesticks, butters, battery jars or cells, vases, trays, comports, flower-blocks, mugs, sundaes - -	5 per cent. ad valorem.
309 (B)	Fancy goods, viz.: card cases, hatpins, match-boxes, serviette rings and clips, sovereign purses, n.e.i., button hooks, glove stretchers, shoe horns and lifts, thimbles, ivory and other ornamental figures, feather dusters; drilled beads, strung with or without clasps, and drilled beads unstrung, except those made of pearls, cultured pearls, precious stones or precious metals - - - - -	5 per cent. ad valorem.
309 (C)	Fancy goods, viz.: articles for personal wear, not including articles partly or wholly of gold, silver, or other precious metal or imitations thereof, or partly or wholly of pearls or precious stones or imitations thereof, viz.: brooches, bangles, necklets, n.e.i., studs, sleeve links and tie clips	5 per cent. ad valorem.
309 (D)	Fancy goods, n.e.i. - - - -	5 per cent. ad valorem.

AUSTRALIA—*continued.*

1ST SCH. —*cont.*

SCHEDULE G.

Commodities.	Margin of Preference.
Asphalt, bitumen and natural pitch	10 per cent. ad valorem.
Dry gums, viz. :— Balata. Gum arabic. Gum copal. Gum damar. Gutta percha. Jelutong. Sticklac and seed lac.	15 per cent. ad valorem.
Essential oils, viz. :— Bay leaf. Cinnamon. Cinnamon leaf. Citronella. Clove. Geranium. Lemon-grass. Lime. Orange. Patchouli. Pimento.	15 per cent. ad valorem.
Bananas - - - - -	40,000 centals per annum from Fiji will be admitted in reasonably equal monthly quantities at 2*s*. 6*d*. per cental provided the goods are entered at the ports of Sydney and Melbourne.
Cocoa, raw - - - -	½*d*. per lb.
Fruit juices - - - -	3*d*. per gallon.
Fruits (preserved in liquid, or partly preserved, or pulped)—	
(*a*) Quarter-pints and smaller sizes.	6*d*. per dozen.
(*b*) Half-pints and over quarter-pints.	1*s*. per dozen.
(*c*) Pints and over half-pints.	2*s*. per dozen.
(*d*) Quarts and over pints -	4*s*. per dozen.
(*e*) Exceeding a quart -	1*s*. 3*d*. per gallon.

AUSTRALIA—*continued.*

1st Sch.—*cont.*

Commodities.	Margin of Preference.
Cocoanuts, whole - - -	1*s.* per cwt.
Plumbago and graphite - -	15 per cent. ad valorem.
Sago and tapioca - - -	15 per cent. ad valorem.
Spirits, viz. :—	
Bitters—	
(1) When not exceeding the strength of proof.	5*s.* per gallon.
(2) When exceeding the strength of proof.	5*s.* per proof gallon.
Rum—	
(1) When not exceeding the strength of proof.	5*s.* per gallon.
(2) When exceeding the strength of proof.	5*s.* per proof gallon.
Sponges - - - - -	15 per cent. ad valorem.
Timber, viz. :—	
Logs, not sawn when not for use in the manufacture of plywood and veneers.	20 per cent. ad valorem.
Tobacco, unmanufactured, entered to be locally manufactured into cigars.	6*d.* per lb.
Tobacco, manufactured - -	1*s.* per lb.
Cigars - - - - -	2*s.* per lb.
Unground spices, viz. :— Arecanuts. Cardamons. Chillies. Cinnamon. Cloves. Ginger. Mace. Nutmegs. Pepper. Pimento. Vanilla.	15 per cent. ad valorem.

Australia—*continued.*

1st Sch. —*cont.*

SCHEDULE H.

Declaration by United Kingdom Government.

1. The present wholesale prices of frozen meat are at a level which has resulted in grave depression in the livestock industries of the United Kingdom and the Dominions. This depression is likely, if continued, to bring about a serious decline in production and consequent ultimate injury to the consumer.

2. Such a position is so serious that it is essential to take whatever steps may appear feasible to raise the wholesale prices of frozen meat in the United Kingdom market to such a level as will maintain efficient production.

3. With a view to the earliest possible improvement of the position, His Majesty's Government in the United Kingdom will, during the currency of the Ottawa Agreement, arrange for the regulation of importations of meat into the United Kingdom, the regulation, in view of the close inter-relationship of all kinds of meat in determining the price level, to be applied to all the meats referred to in Section 5.

4. The policy of His Majesty's Government in the United Kingdom in relation to meat production is, first, to secure development of home production, and, secondly, to give to the Dominions an expanding share of imports into the United Kingdom.

5. In order to co-operate with His Majesty's Government in the United Kingdom in the carrying out of this policy, His Majesty's Government in the Commonwealth of Australia agrees to limit the export of frozen mutton and lamb to the United Kingdom for the year 1933 to an amount equivalent to the total imports from Australia during the year ended the 30th June, 1932, in consideration of the United Kingdom Government—

(*a*) Arranging for the regulation of the importation of foreign meat in accordance with a programme (hereinafter referred to as the " agreed programme ") agreed between His Majesty's Government in the United Kingdom and His Majesty's Government in the Commonwealth of Australia and including within its scope frozen mutton and lamb, frozen beef and chilled beef.

(*b*) Arranging, as soon as possible after receiving the Report of the Commission now sitting on the reorganisation of the pig industry in the United Kingdom, for the quantitative regulation of the supplies of bacon and hams coming on to the United Kingdom market.

(*c*) Undertaking that no restriction will be placed upon the importation of any meat from Australia during the period named in the agreed programme referred to in Section 5 (*a*) of this Declaration.

Australia—*continued.*

6. During the year 1933 and in the light of the experience gained, His Majesty's Government in the United Kingdom will consider, in consultation with His Majesty's Government in the Commonwealth of Australia, the best means of ensuring an improved price situation and the more orderly marketing of supplies.

7. Should no permanent policy be agreed upon as the result of the consultation referred to above, His Majesty's Government in the United Kingdom undertakes, after the expiry of the period named in the agreed programme referred to in Section 5 (*a*) of this Declaration and during the remainder of the period of the Agreement concluded at Ottawa—

(*a*) To arrange for the continuance, unless otherwise agreed between the Governments concerned, of the regulation of the imports of foreign meat at the rates in force at the end of the period named in the agreed programme.

(*b*) In any action affecting the imports of meat into the United Kingdom which the United Kingdom Government may take on behalf of United Kingdom agriculture, to have regard to the policy set out in Section 4 hereof.

8. Should it appear to His Majesty's Government in the United Kingdom after enquiry that, at any time in consequence of a restriction upon foreign imports, the supplies of meat of any kind are inadequate to meet the requirements of consumers in the United Kingdom, then His Majesty's Government may remove any such restriction until supplies are again adequate.

The Agreed Programme referred to in Section 5 (a) *of the Declaration by United Kingdom Government.*

Statement showing the maximum quantities of foreign meat to be allowed to be imported into the United Kingdom during each quarter of the period the 1st January, 1933, to the 30th June, 1934, expressed as percentages of the quantities imported in the corresponding quarters of the twelve months ended the 30th June, 1932.

Meat.	1933.				1934.	
	Jan.–March.	April–June.	July–Sept.	Oct.–Dec.	Jan.–March.	April–June.
Frozen mutton and lamb	90	85	80	75	70	65
Frozen beef (carcasses and boned beef)	90	85	80	75	70	65
Chilled beef	100	100	100	100	100	100

N.B.—His Majesty's Government in the Commonwealth of Australia, recognising the inter-relation of all meat products, and

AUSTRALIA—*continued.*

1ST SCH. —*cont.*

that the object of the above regulation of imports into the United Kingdom is to raise the price level of frozen meat, undertakes to use its best endeavours to ensure that during the year 1933 the exports of frozen beef from Australia to the United Kingdom shall not be increased to an extent exceeding 10 per cent. of the quantities exported for the year ending the 30th June, 1932.

PART III.

UNITED KINGDOM–NEW ZEALAND AGREEMENT.

WE, the representatives of His Majesty's Government in the United Kingdom and of His Majesty's Government in New Zealand, hereby agree with one another, on behalf of our respective Governments, as follows :—

ARTICLE 1.

His Majesty's Government in the United Kingdom undertake that Orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of New Zealand goods and the goods of the mandated territory of Western Samoa which comply with the laws and statutory regulations for the time being in force affecting the grant of Imperial preference, and which by virtue of that Act are now free of duty subject, however, to the reservations set forth in Schedule A appended hereto.

ARTICLE 2.

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule B appended hereto, the duties of customs shown in that schedule in place of the duties (if any) now leviable.

ARTICLE 3.

His Majesty's Government in the United Kingdom undertake that the general ad valorem duty of 10 per cent. imposed by section 1 of the Import Duties Act, 1932, on the foreign goods specified in Schedule C shall not be reduced except with the consent of His Majesty's Government in New Zealand.

ARTICLE 4.

In regard to frozen mutton, lamb and beef, the understanding between the Governments concerned is set out in the letter* dated the 19th August, 1932, addressed by the Rt. Hon. J. G. Coates, M.P., to the Rt. Hon. Stanley Baldwin, M.P.

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* *See* p. 1011.

New Zealand—*continued.*

Article 5.

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates to accord to New Zealand any preference which may for the time being be accorded to any other part of the British Empire, provided that this Article shall not extend to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia and the territories of the South African High Commission by virtue of the Customs Agreement of 1930.

Article 6.

His Majesty's Government in New Zealand will invite Parliament to pass the legislation necessary to substitute for the duties of Customs now leviable on the United Kingdom goods specified in Schedule D the duties shown in that Schedule, and to exempt all United Kingdom goods from the application of the surtax of nine-fortieths or one-twentieth of the Customs duty, as the case may be.

Article 7.

His Majesty's Government in New Zealand undertake that protection by tariffs shall be afforded against United Kingdom products only to those industries which are reasonably assured of sound opportunities for success.

Article 8.

His Majesty's Government in New Zealand undertake to institute an inquiry into the existing protective duties and, where necessary, to reduce them as speedily as possible to such a level as will place the United Kingdom producer in the position of a domestic competitor, that is, that the protection afforded to the New Zealand producer shall be on a level which will give the United Kingdom producer full opportunity of reasonable competition on the basis of the relative cost of economical and efficient production.

Article 9.

His Majesty's Government in New Zealand undertake that United Kingdom producers shall have an opportunity of putting forward their views in connection with the inquiry referred to in Article 8 hereof.

Article 10.

His Majesty's Government in New Zealand undertake that no reduction shall be made in the margins of preference of 20 per

NEW ZEALAND—*continued.*

1ST SCH. —*cont.* cent. ad valorem (or its equivalent) or less now enjoyed by United Kingdom goods over those of any foreign country, and that where the margin of preference now exceeds 20 per cent. ad valorem (or its equivalent) it shall not be reduced below 20 per cent. ad valorem (or its equivalent) except with the consent of His Majesty's Government in the United Kingdom.

ARTICLE 11.

His Majesty's Government in New Zealand undertake that the existing primage duty of 3 per cent. ad valorem now levied on United Kingdom goods which are otherwise duty free shall not be increased, and shall be abolished as soon as financial conditions permit.

ARTICLE 12.

His Majesty's Government in New Zealand undertake to accord to the non-self-governing colonies and protectorates and the mandated territories of Tanganyika, the Cameroons under British mandate, and Togoland under British mandate, preferences on the commodities and at the rates shown in Schedule E, and also any preference for the time being accorded to the United Kingdom. Provided that His Majesty's Government in New Zealand shall not be bound to continue to accord any preferences to any colony or protectorate which, not being precluded by international obligations from according preferences, either (i) accords to New Zealand no preferences, or (ii) accords to some other part of the Empire (in the case of Northern Rhodesia, excepting the Union of South Africa, Southern Rhodesia, and the territories of the South African High Commission) preferences not accorded to New Zealand.

ARTICLE 13.

This Agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in New Zealand is to be regarded as coming into effect as from the date hereof (subject to the necessary legislative or other action being taken as soon as may be practicable hereafter). It shall remain in force for a period of five years, and if not denounced six months before the end of that period shall continue in force thereafter until a date six months after notice of denunciation has been given by either party.

In the event of circumstances arising which, in the judgment of His Majesty's Government in the United Kingdom or of His Majesty's Government in New Zealand, as the case may be,

New Zealand—*continued.*

necessitate a variation in the terms of the agreement, the proposal to vary those terms shall form the subject of consultation between the two Governments. 1st Sch. —*cont.*

Signed on behalf of His Majesty's Government in the United Kingdom :
STANLEY BALDWIN.

Signed on behalf of His Majesty's Government in New Zealand :
J. G. COATES.

(Initialled) R. B. H.
August 20, 1932.

SCHEDULE A.

As regards eggs, poultry, butter, cheese and other milk products, free entry for New Zealand produce will be continued for three years certain. His Majesty's Government in the United Kingdom, however, reserve to themselves the right after the expiration of the three years, if they consider it necessary in the interests of the United Kingdom producer to do so, to review the basis of preference so far as relates to the articles enumerated, and, after notifying His Majesty's Government in New Zealand, either to impose a preferential duty on New Zealand produce, whilst maintaining existing preferential margins, or in consultation with the New Zealand Government to bring such produce within any system which may be put into operation for the quantitative regulation of supplies from all sources in the United Kingdom market.

SCHEDULE B.

Butter - - - - -	15*s.* per cwt.
Cheese - - - - -	15 per cent. ad valorem.
Apples, raw (excluding apples consigned direct to a registered cider manufacturer for use in making cider).	4*s.* 6*d.* per cwt.
Pears, raw - - - -	4*s.* 6*d.* per cwt.

New Zealand—*continued.*

1st Sch. —*cont.*

Eggs, in shell—	
(*a*) Not exceeding 14 lbs. in weight per great hundred.	1*s.* per great hundred.
(*b*) Over 14 lbs. but not exceeding 17 lbs.	1*s.* 6*d.* per great hundred.
(*c*) Over 17 lbs. - - -	1*s.* 9*d.* per great hundred.
Condensed milk, whole, sweetened	5*s.* per cwt. in addition to the duty in respect of sugar content.
Condensed milk, whole, not sweetened.	6*s.* per cwt.
Milk powder and other preserved milk, not sweetened.	6*s.* per cwt.
Honey - - - - -	7*s.* per cwt.

SCHEDULE C.

Tallow.
Canned meat.
Sausage casings.
Casein.
Meat extracts and essences.
Dried peas.
Seeds, grass and clover.
Leather.
Copra.
Sugar of milk.
Gums, other than gum arabic, gum tragacanth, shellac, sticklac and seedlac.

SCHEDULE D.

Articles.	Rate of Import Duty.
Confectionery - - - -	27½ per cent. ad valorem.
Apparel and ready-made clothing	27½ per cent. ad valorem.
Hosiery - - - - -	27½ per cent. ad valorem.
Silk and artificial silk piece-goods	Free.

New Zealand—*continued.*

SCHEDULE E.

1st Sch. —*cont.*

Commodity.	Margin of Preference.
Asphalt	10 per cent. ad valorem.
Cigars	2*s*. per lb.
Cocoa	½*d*. per lb.
Coffee	1*d*. per lb.
Rum	4*s*. per proof gallon.
Unground spices, viz. :—	
Cinnamon, cloves, ginger, mace, nutmeg, pepper and vanilla.	10 per cent. ad valorem.

Copy of Letter referred to in Article 4 of Agreement.

New Zealand Delegation,
Ottawa, Canada, August 19, 1932.

Dear Mr. Baldwin,

I have given further consideration to the matter of an agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in New Zealand. In my conversations with you and your Ministers we have agreed that a policy will be adopted that will have for its definite objective the two-fold purpose of raising the price of meat to a remunerative level and of progressively increasing the share of the Dominions in the United Kingdom market. I accept your undertaking that effective steps will be taken to secure these results.

2. For the purpose of restricting foreign supplies of mutton and lamb, the arrivals, as compared with the corresponding periods of the year ending the 30th June, 1932, as I understand the United Kingdom proposal, are to be reduced by at least 10 per cent. for the quarter ending the 31st March, 1933, 15 per cent. for the quarter ending the 30th June, 1933, 20 per cent. for the quarter ending the 30th September, 1933, 25 per cent. for the quarter ending the 31st December, 1933, 30 per cent. for the quarter ending the 31st March, 1934, and 35 per cent. for the quarter ending the 30th June, 1934, and thereafter, unless otherwise agreed between the Governments concerned, for the remainder of the period of the agreement concluded at Ottawa by not less than 35 per cent.

3. During the year 1933, and in the light of the experience gained, His Majesty's Government in the United Kingdom will consider, in consultation with His Majesty's Government in New Zealand, the best means of ensuring an improved price situation, and the more orderly marketing of supplies.

4. To assist in the orderly marketing of supplies the Dominion will give a reliable estimate of shipments of mutton and lamb as early as possible in each export season. This season will neces-

New Zealand—*continued*.

1st Sch. —*cont.*

sarily cover the period the 1st October in one year to the 30th September in the following year. For the season 1932–33 we estimate our exports of frozen mutton and lamb at 200,000 tons, with a 5 per cent. increase in each of the following two years. For the calendar year 1933 you may take it that our shipments of frozen mutton and lamb will be the same as those of the twelve months ended the 30th June, 1932, i.e., of the year which ended with the month immediately preceding the opening of the conference.

5. It is understood that, in consideration of this undertaking on our part, no restriction will be placed by His Majesty's Government in the United Kingdom upon the importation of any meat from New Zealand during the period ending the 30th June, 1934.

6. In frozen beef, we estimate our exports for the season 1932–33 at not more than 22,000 tons, representing a maximum increase over the previous season of approximately 10 per cent.

7. With regard to bacon and other pig products, I am informed that your Government are now dealing with the reorganisation of this industry, and that an effective policy of control of foreign imports will be adopted. This policy, as I understand it, will provide for some expansion of Home and Dominion supplies of pig products. New Zealand is already an exporter of pork and bacon carcasses and will be granted a reasonable share of the expansion made possible by the reduction of foreign imports.

8. All frozen beef (carcasses and boned beef) from foreign sources is to be subject to the same reductions as are specified in paragraph 2.

9. No increase of chilled beef imports from foreign sources into the United Kingdom in excess of the twelve months the 1st July, 1931, to the 30th June, 1932, will be permitted during the period January 1933 to the 30th June, 1934, and the rate of importation will not thereafter be increased during the period of the Ottawa agreement except with the concurrence of the Governments concerned.

10. Should it appear to His Majesty's Government in the United Kingdom after an enquiry that, at any time, in consequence of a restriction upon foreign imports, the supplies of meat of any kind are inadequate to meet the requirements of consumers in the United Kingdom, then His Majesty's Government may remove any such restriction until supplies are again adequate.

Yours sincerely,
(Signed) J. G. COATES.

The Right Hon. Stanley Baldwin, M.P.,
United Kingdom Delegation,
Imperial Economic Conference.

PART IV.

1ST SCH. —*cont.*

UNITED KINGDOM–UNION OF SOUTH AFRICA AGREEMENT.

WE, the representatives of His Majesty's Government in the United Kingdom and of His Majesty's Government in the Union of South Africa, hereby agree with one another, on behalf of our respective Governments, as follows:—

ARTICLE 1.

His Majesty's Government in the United Kingdom undertake that Orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of South African goods which comply with the law and statutory regulations for the time being in force affecting the grant of Imperial preference, and which by virtue of that Act are now free of duty, subject, however, to the reservations set forth in Schedule A appended hereto.

ARTICLE 2.

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule B appended hereto, the duties of customs shown in that schedule in place of the duties (if any) now leviable.

ARTICLE 3.

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to secure to South African goods of the kinds specified in Schedule C appended hereto, which comply with the law and statutory regulations for the time being in force affecting the grant of Imperial preference, the margins of preference specified therein over similar foreign goods.

ARTICLE 4.

His Majesty's Government in the United Kingdom undertake that the general ad valorem duty of 10 per cent. imposed by section 1 of the Import Duties Act, 1932, on the foreign goods specified in Schedule D shall not be reduced, except with the consent of His Majesty's Government in the Union of South Africa, and that the existing preferential margin on sugar and wine (except as otherwise provided in this Agreement) shall not be reduced without the like consent.

Union of South Africa—*continued.*

1st Sch. —*cont.*

Article 5.

The duty on copper provided in this agreement is conditional on the Empire producers of copper continuing to offer this commodity on first sale in the United Kingdom at a price not exceeding the world price.

Article 6.

His Majesty's Government in the United Kingdom will invite Parliament to pass legislation which will secure for a period of ten years from the date hereof to tobacco, which complies with the laws and statutory regulations for the time being in force affecting the grant of Imperial preference, the existing margin of preference over foreign tobacco so long, however, as the duty on foreign unmanufactured tobacco does not fall below 2*s.* 0½*d.* per lb., in which event the margin of preference shall be equal to the full duty.

Article 7.

His Majesty's Government in the United Kingdom, in applying any powers which they may obtain from Parliament for the quantitative regulation of imports of mutton and lamb into the United Kingdom, will make provision for the importation of South African mutton and lamb.

Article 8.

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates, to accord to the Union of South Africa any preference which may, for the time being, be accorded to any other part of the British Empire.

Article 9.

His Majesty's Government in the Union of South Africa will invite Parliament to pass the legislation necessary to secure to United Kingdom goods of the kinds specified in Schedule E, the margins of preference over similar foreign goods shown in that schedule.

Article 10.

His Majesty's Government in the Union of South Africa will invite Parliament to impose on foreign goods of the kinds specified in Schedule F, the specific duties shown in that schedule, and undertake not to make, or to invite Parliament to pass legislation involving, any alterations in the existing rates of duty on similar United Kingdom goods which would result in a decrease in the margin of preference now accorded.

UNION OF SOUTH AFRICA—*continued.*

1st Sch. —*cont.*

ARTICLE 11.

His Majesty's Government in the Union of South Africa undertake not to lower the existing margins of preference over similar foreign goods now accorded to the United Kingdom goods of the kinds specified in Schedule G.

ARTICLE 12.

His Majesty's Government in the Union of South Africa undertake to accord to the non-self-governing colonies and protectorates and the mandated territories of Tanganyika, the Cameroons under the British mandate, and Togoland under British mandate, preferences on the commodities and at the rates shown in Schedule H and also any preferences for the time being accorded to the United Kingdom if His Majesty's Government in the United Kingdom so request.

Provided that His Majesty's Government in the Union of South Africa shall not be bound to accord any preferences to any Colony or Protectorate which, not being precluded by international obligations from according preferences, either (i) accords to the Union of South Africa no preferences, or (ii) accords to some other part of the Empire preferences not accorded to the Union of South Africa.

ARTICLE 13.

For the purposes of this agreement the mandated territory of South-West Africa shall be deemed to be part of the Union of South Africa.

ARTICLE 14.

This Agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in the Union of South Africa is to be regarded as coming into effect as from the date hereof (subject to the necessary legislative or other action being taken as soon as may be practicable hereafter). It shall remain in force for a period of five years, and if not denounced six months before the end of that period shall continue in force thereafter until a date six months after notice of denunciation has been given by either party.

In the event of circumstances arising which, in the judgment of His Majesty's Government in the United Kingdom, or of His Majesty's Government in the Union of South Africa as the case

Union of South Africa—*continued.*

1st Sch. —*cont.* may be, necessitate a variation in the terms of the agreement, the proposal to vary those terms shall form the subject of consultation between the two Governments.

Signed on behalf of His Majesty's Government
in the United Kingdom :
STANLEY BALDWIN.

Signed on behalf of His Majesty's Government
in the Union of South Africa :
N. C. HAVENGA.

(Initialled) R. B. H.
August 20, 1932.

SCHEDULE A.

As regards eggs, poultry, butter, cheese and other milk products, free entry for produce of the Union of South Africa will be continued for three years certain. His Majesty's Government in the United Kingdom, however, reserve to themselves the right, after the expiration of the three years, if they consider it necessary in the interests of the United Kingdom producer to do so, to review the basis of preference so far as relates to the articles enumerated, and, after notifying His Majesty's Government in the Union of South Africa, either to impose a preferential duty on produce of the Union of South Africa, whilst maintaining existing preferential margins, or, in consultation with the Union Government, to bring such produce within any system which may be put into operation for the quantitative regulation of supplies from all sources in the United Kingdom market.

SCHEDULE B.

Oranges, raw - - - -	3*s*. 6*d*. per cwt. from April 1 to November 30.
Grape-fruit, raw - - -	5*s*. per cwt. from April 1 to November 30.
Peaches and nectarines, raw -	14*s*. per cwt. from December 1 to March 31.
Plums, raw - - - -	9*s*. 4*d*. per cwt. from December 1 to March 31.

Union of South Africa—*continued*.

1st Sch. —*cont.*

Grapes (other than hot-house)	1½*d*. per lb. from February 1 to June 30.
Apples, raw (excepting apples consigned direct to a registered cider manufacturer for use in making cider).	4*s*. 6*d*. per cwt. throughout the year.
Pears, raw	4*s*. 6*d*. per cwt. throughout the year.
Dried fruits, now dutiable at 7*s*.	10*s*. 6*d*. per cwt. throughout the year.
Apples, canned	3*s*. 6*d*. per cwt. in addition to the duty in respect of sugar content.
Other canned fruits	15 per cent. ad valorem in addition to the duty in respect of sugar content.
Maize, flat white	10 per cent. ad valorem throughout the year.
Butter	15*s*. per cwt. throughout the year.
Cheese	15 per cent. ad valorem.
Eggs in shell—	
(*a*) Not exceeding 14 lbs. in weight per great hundred.	1*s*. per great hundred throughout the year.
(*b*) Over 14 lbs., but not exceeding 17 lbs.	1*s*. 6*d*. per great hundred throughout the year.
(*c*) Over 17 lbs.	1*s*. 9*d*. per great hundred throughout the year.
Condensed milk, whole, sweetened.	5*s*. per cwt. in addition to the duty on sugar content.
Condensed milk, whole, not sweetened.	6*s*. per cwt.
Milk powder and other preserved milk, not sweetened.	6*s*. per cwt.
Copper, unwrought, whether refined or not, in ingots, bars, blocks, slabs, cakes and rods.	2*d*. per lb.

SCHEDULE C.

Commodity.	Margin of Preference.
Wine not exceeding 27 degrees of proof spirit.	2*s*. per gallon.

UNION OF SOUTH AFRICA—*continued.*

1ST SCH. —*cont.*

SCHEDULE D.

Wattle bark and tanning extracts made therefrom.

Maize products.

Asbestos.

Dried fruits, other than currants, not specified in Schedule B.

Fruit preserved by chemicals or artificial heat, other than fruit preserved in sugar.

Fruit juices.

Whale oil and whale products (other than whale oil and whale products produced or manufactured in floating factories which are British concerns).

Crayfish.

Hake, fresh.

Oyster-shell grit.

Ground-nuts.

Goat-skins.

Lucerne seed.

Kaffir corn and meal.

Box-wood.

Potatoes.

Sausage casings.

Ostrich feathers.

SCHEDULE E.

Tariff Item.	Commodity	Margin of preference over similar foreign goods.
13 a	Coffee, raw - - - - - - -	1*d.* per lb.
19 ex	Fish—	
	(*e*) Tinned (not specially provided for) -	1½*d.* per lb.
30	Meats, soups (not concentrated), and similar substances used as food, but not including extracts and essences—	
	(*c*) Tinned (not including bacon and ham)	½*d.* per lb.

Union of South Africa—*continued.*

Tariff Item.	Commodity.	Margin of preference over similar foreign goods.
97 (i)	Cranes, mechanical excavators and loaders, winches not being for whaling, trawling or mining purposes, hoisting crabs, chain blocks, spiral shutes, gravity conveyors and shears	7 per cent. ad valorem.
97 (ii)	Bucket conveyors and conveyor belts and belting (not being for mining or industrial purposes), and mechanical storage lifting apparatus	7 per cent. ad valorem.
113 (3)	Vacuum cleaners, electric	5 per cent. ad valorem.
118	Machinery, apparatus, appliances and implements (not specially provided for, and not including material domestic machines or vehicles)—	
	(*c*) for mining purposes, n.e.e.	5 per cent. ad valorem.
	(*g*) other, for manufacturing and industrial purposes, including machinery for power laundries, and leather-measuring machines for use in boot factories and tanneries, and workshop machinery and appliances ordinarily used in a motor garage for manufacturing and repair work, but not including structural steel-work for staging and platforms	5 per cent. ad valorem.
119 (*b*)	Batteries, electrical: wet or dry, primary or secondary, including accumulators, except those of which each cell or unit is of a capacity greater than 150 ampere hours at a 1-hour rate of discharge	10 per cent. ad valorem.
138	Railway construction or equivalent requisites— Locomotives	5 per cent. ad valorem.
141	Sprayers and sprinklers and other apparatus used for the prevention and destruction of agricultural pests, or of diseases in stock plants or trees	10 per cent. ad valorem.
ex 147 (*a*)	(*a*) Tractors	10 per cent. ad valorem.
ex 149 (i)	(*a*) Typewriters	10 per cent. ad valorem.
ex 154 (ii)	Radio apparatus and accessories, except when imported for merchant ships or by persons licensed by the Postmaster-General to conduct a public radio service and not including batteries	10 per cent. ad valorem.
ex 158	Asphalt and bitumen	10 per cent. ad valorem.
ex 206	Soap, toilet	15 per cent. ad valorem.
250	Bands and belting of all kinds for driving machinery	5 per cent. ad valorem.
ex 251 (*a*) (i)	Canvas and rubber shoes, adult	1*s.* per pair.*
ex 253 (*a*) (i)	Rubber water garden hose, plain	¾d. per lb.
ex 253 (*a*) (ii)	Rubber water garden hose, armoured	½*d.* per lb.

* No change in ad valorem rate.

Union of South Africa—*continued.*

1st Sch. —*cont.*

SCHEDULE F.

Tariff Item.	Commodity.	Minimum specific duties to be imposed on goods from sources other than United Kingdom.
76	Piece-goods, not being blanketing or kaffir sheeting (*a*) cotton (that is, piece goods containing 50 per cent. or more of cotton), the free on board price of which per yard—	
	(i) does not exceed 1*s*. 3*d*.	1½*d*. per yard.
	ex (C) Rayon (that is piece goods containing 50 per cent. or more of rayon)	3*d*. per yard.
	Note.—In the case of piece goods exceeding 30 inches in width, "yard" shall mean 36 inches by 30 inches in width, and the duty shall be calculated proportionately to the width.	
ex 65 *b* (v) & (vi)	Underclothing, knitted (not shirts), of cotton :	
	Men's vests and trunks	4*s*. per dozen.
	Women's vests and knickers	3*s*. per dozen.
	Women's slips and combinations	5*s*. per dozen.
	Of rayon :	
	Men's vests and trunks	6*s*. per dozen.
	Women's vests and knickers	4*s*. per dozen.
	Women's slips and combinations	7*s*. per dozen.

SCHEDULE G.

Tariff Item.	Commodity.	Margin of preference over similar foreign goods.
8 *a*	Cheese : full cream	5 per cent. ad valorem, or ½*d*. per lb., according to the duty applicable.
15 *a*	Wheat—	
	(i) in the grain	2*d*. per 100 lbs.
	(ii) ground or otherwise prepared	4*d*. per 100 lbs.
21	Foods—	
	(*a*) Patent or proprietary cornflour or maizene :	
	(i) in bulk	5 per cent. ad valorem, or ½*d*. per lb.; according to the duty applicable.
	(ii) not in bulk	5 per cent. ad valorem, or ½*d*. per lb., according to the duty applicable.

UNION OF SOUTH AFRICA—*continued.*

1st Sch. —*cont.*

Tariff Item.	Commodity.	Margin of preference over similar foreign goods.
21	(*c*) Other patent or proprietary farinaceous and cereal foods, not including oatmeal and rolled oats - - -	5 per cent. ad valorem.
26	Hops: in bulk - - - - - -	5 per cent. ad valorem.
70	Hosiery—	
	(*a*) Socks - - - - - -	5 per cent. ad valorem.
	(*b*) Stockings - - - - - -	5 per cent. ad valorem.
71	Laces, lace curtaining and flouncing, and embroidery: in the piece or in the form of insertions or medallions - - - -	5 per cent. ad valorem.
76	Piece goods, not being blanketing or kaffir sheeting—	
	(*a*) Cotton (that is piece goods containing 50 per cent. or more of cotton), the free on board price of which per yard:	
	(i) does not exceed 1*s.* 3*d.* - - -	not less than 5 per cent. ad valorem.
81	(i) Twine—	
	(*a*) Seaming and binder, and harvest yarn	5 per cent. ad valorem.
ex 86	(*a*) Motor cycles and side-cars, including spare parts and accessories, but not including electric lamp bulbs, tyres and tubes when imported separately - - - - -	5 per cent. ad valorem.
89	(*a*) Buckets, skips, trucks and tubs, wheeled or otherwise, for haulage or propulsion (except by locomotives) on rails or wires, and not intended for agricultural purposes - -	5 per cent. ad valorem.
	(*c*) Metal shaft sets - - - - -	5 per cent. ad valorem.
	(*d*) Rails not exceeding 30 lb. per running yard	5 per cent. ad valorem.
99	Cutlery, not gold or silver, nor gold or silver-plated - - - - - - - -	5 per cent. ad valorem.
102	Enamelware and hollow-ware—	
	(*a*) Enamelled lamp shades and reflectors	5 per cent. ad valorem.
	(*b*) Enamelware, n.e.e. - - - -	5 per cent. ad valorem.
	(*c*) Hollow-ware, n.e.e. - - - -	5 per cent. ad valorem.
115	Lamp bulbs: electric—	
	(*a*) Projector type - - - - -	5 per cent. ad valorem.
	(*b*) Radiator type - - - - -	5 per cent. ad valorem.
	(*c*) Motor and motor-cycle headlights -	10*s.* per 100.
	(*d*) Motor and motor-cycle side, tail and dash lights - - - - - -	5*s.* per 100.
	(*e*) Flashlights - - - - - -	2*s.* 6*d.* per 100.
	(*f*) Carbon filament - - - - -	5*s.* per 100.
	(*g*) Vacuum type, n.e.e.—	
	not exceeding 60 watts - - -	5*s.* per 100.
	exceeding 60 watts - - - -	10*s.* per 100.
	(*h*) Gas-filled type, n.e.e.—	
	not exceeding 100 watts - - -	10*s.* per 100.
	exceeding 100 watts - - -	20*s.* per 100.
116	Lamps and lampware—	
	(*e*) Lamp shades and reflectors, of glass or metal, for gas and electric lighting, n.e.e.	5 per cent. ad valorem.
118	Machinery, apparatus, appliances and implements (not specially provided for, and not including material, domestic machines or vehicles)—	
	(*d*) Rock drill spares - - - -	3 per cent. ad valorem.
	(*f*) Plates and frames for sugar filter presses - - - - - - -	3 per cent. ad valorem.
	(*h*) Liners (iron) for tube mills - - -	3 per cent. ad valorem.

Union of South Africa—*continued.*

1st Sch. —*cont.*

Tariff Item.	Commodity.	Margin of preference over similar foreign goods.
119	(*a*) Machinery, apparatus, appliances, implements and electrical material used in connection therewith for the generation, storage, transmission, distribution of, and lighting by, gas or electric power, and machinery for the conversion or transformation of electric power; hot-air driers for the drying of transformers; but not including plain copper wire (electric), acetylene lamps, hand and portable lamps, lamp shades and reflectors, batteries and bulbs elsewhere provided for, electric fans and parts or accessories of motor vehicles or cycles	5 per cent. ad valorem.
	(*c*) Plain copper wire (electric)	5 per cent. ad valorem.
122	Iron and steel—	
	(*a*) In blocks, ingots, pigs, billets, slabs, blooms and like crude manufactures; and scrap	3 per cent. ad valorem.
	(*b*) Plates and sheets: plain, corrugated or galvanised, including plates coated with lead, tin or zinc, but not including lacquered, enamelled, varnished, printed, lithographed or embossed	3 per cent. ad valorem.
	(*c*) Angle, bar, channel, rod, H, T, and similar iron or steel, and rolled steel sections for the manufacture of steel window and door frames, not perforated or put together or worked up in any way or marked for working, and not specially provided for, and baling clips and fluted mild steel not cut to size	3 per cent. ad valorem.
	(*d*) Drill steel	3 per cent. ad valorem.
	(*e*) Tool steel	3 per cent. ad valorem.
	(*h*) Hoop, plain or perforated, and box strap	3 per cent. ad valorem.
128	(i) Meters, electricity—	
	(*a*) of less than 50 amps.	2*s*. 6*d*. each.
	(*b*) of 50 amps. and not exceeding 100 amps.	5*s*. each.
	(*c*) exceeding 100 amps.	10*s*. each.
	(*d*) spare parts and accessories of all the above classes of electricity meters	5 per cent. ad valorem.
134	Pipes, piping, tubes and fittings of metal: gas, steam, drainage, sewerage, irrigation, water supply and water pumping; not including grids, manhole covers and fittings, and surface boxes—	
	(*a*) Wrought iron or steel pipes and tubes, not riveted, except down pipes and guttering	1*s*. per 100 lbs.
	(*b*) Cast-iron pipes and tubes, except down pipes and guttering	8*d*. per 100 lbs.
	(*d*) Down piping and guttering and fittings therefor, and riveted wrought iron or steel pipes and tubes	5 per cent. ad valorem.
	(*e*) Cocks and taps, and meters and pipe fittings n.e.e., spare parts of water meters falling under (*h*)	5 per cent. ad valorem.
	(*g*) Cisterns	5 per cent. ad valorem.
	(*h*) Water meters for house connection, not exceeding 1 inch piping	3*s*. each.

Union of South Africa—*continued.*

1st Sch. —*cont.*

Tariff Item.	Commodity.	Margin of preference over similar foreign goods.
143	Stoves—	
	(*b*) Electrical cooking and heating appliances (including kettles and irons), not being machinery elsewhere provided for and not including electric irons and electric steam irons used for industrial purposes	5 per cent. ad valorem.
146	Tools, mechanics': being tools ordinarily used by mechanics or artisans, and not being agricultural implements or machine tools	3 per cent. ad valorem.
153	Wire—	
	(*b*) Other than electric wire, millinery and picture wire and wire made of precious metal	3 per cent. ad valorem.
171	Glass—	
	(*b*) Polished plate:	
	(i) exceeding 7 sq. ft. in measurement	1*d*. per sq. ft.
	(ii) not exceeding 7 sq. ft.	1*d*. per sq. ft.
	(*c*) Sheet, plain, clear:	
	(i) exceeding 16 ozs. but not exceeding 21 ozs. per sq. ft.	1*s*. per 100 sq. ft.
	(ii) not exceeding 16 ozs. per sq. ft.	1*s*. per 100 sq. ft.
192	Lead, white—	
	(*a*) Dry	1*s*. per 100 lbs.
	(*b*) Ground, in oil—	
	(i) in packages containing 50 lbs. weight or over	1*s*. per 100 lbs.
	(ii) in packages containing less than 50 lbs. weight	1*s*. per 100 lbs.
260	Rubber pneumatic tyres and tubes—	
	(*a*) Tyres, including the weight of the immediate wrapper:	
	(iii) Otherwise than as described in (i) and (ii)	2*d*. per lb.
	(*b*) Tubes for motor vehicles other than motor cycles	1½*d*. per lb.
	(*c*) Tubes for motor cycles and cycles	2*d*. per lb.
261	Rubber tyres, solid, complete or in lengths or in the piece	1*d*. per lb.
279	Wood—	
	(*a*) Unmanufactured	3 per cent. ad valorem.
295	Paper—	
	(*c*) News print, in reels or in the flat	5 per cent. ad valorem.
324	Telescopes, binoculars and field glasses, n.e.e., and opera glasses	20 per cent. ad valorem.

SCHEDULE H.

Commodity.	Margin of Preference.
Coffee, raw	1*d*. per lb.
Asphalt and bitumen, in bulk	10 per cent. ad valorem.

1st Sch. —*cont.*

Part V.

United Kingdom–Newfoundland Agreement.

We, the representatives of His Majesty's Government in the United Kingdom and of His Majesty's Government in Newfoundland hereby agree with one another, on behalf of our respective Governments, as follows :—

Article 1.

His Majesty's Government in the United Kingdom undertake that Orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of Newfoundland goods which comply with the law and statutory regulations for the time being in force affecting the grant of Imperial preference, and which by virtue of that Act are now free of duty, subject however to the reservations set forth in Schedule A appended hereto.

Article 2.

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule B appended hereto the duties of customs shown in that schedule in place of the duties (if any) now leviable.

Article 3.

His Majesty's Government in the United Kingdom undertake that the general ad valorem duty of 10 per cent. imposed by section 1 of the Import Duties Act, 1932, on the foreign goods specified in Schedule C shall not be reduced except with the consent of His Majesty's Government in Newfoundland.

Article 4.

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates to accord to Newfoundland any preference which may for the time being be accorded to any other part of the British Empire, provided that this clause shall not extend to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia, and the Territories of the South African High Commission by virtue of the Customs Agreement of 1930.

NEWFOUNDLAND—*continued.*

1st Sch. —*cont.*

ARTICLE 5.

His Majesty's Government in Newfoundland will invite Parliament to pass the legislation necessary to secure to United Kingdom goods of the kinds specified in Schedule D the margins of preference over similar foreign goods shown in that schedule, with effect from the 1st July, 1933.

ARTICLE 6.

His Majesty's Government in Newfoundland will undertake a general revision of the customs tariff to come into force as from the 1st July, 1933, and, if and in so far as budgetary considerations permit, will incorporate in the legislation which Parliament will be invited to pass, giving effect to such revision, provision for new and more favourable conditions in regard to the valuation of the pound sterling for customs purposes.

ARTICLE 7.

His Majesty's Government in Newfoundland will invite Parliament to pass the legislation necessary to accord to the non-self-governing colonies and protectorates, and the mandated territories of Tanganyika, the Cameroons under British mandate, and Togoland under British mandate, preferences on the commodities and at the rates shown in Schedule E, and also any preferences for the time being accorded to the United Kingdom if His Majesty's Government in the United Kingdom so request. Provided that His Majesty's Government in Newfoundland shall not be bound to accord any preferences to any colony or protectorate which, not being precluded by international obligations from according preferences, either (i) accords to Newfoundland no preferences, or (ii) accords to some other part of the Empire (in the case of Northern Rhodesia, excepting the Union of South Africa, Southern Rhodesia and the Territories of the South African High Commission) preferences not accorded to Newfoundland.

ARTICLE 8.

If under the terms of the Newfoundland–Jamaica Agreement at present in force either party would be entitled to any greater margin of preference than is hereby agreed, the parties to that Treaty shall continue during its currency to enjoy the benefits therein provided.

ARTICLE 9.

This agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in Newfoundland is to be regarded as coming into effect as from the date hereof

Newfoundland—*continued.*

1st Sch. —*cont.*

(subject to the necessary legislative or other action being taken as soon as may be practicable hereafter). It shall continue in force for a period of five years, and if not denounced six months before the end of that period shall continue in force thereafter until a date six months after notice of denunciation has been given by either party.

In the event of circumstances arising which, in the judgment of His Majesty's Government in the United Kingdom or of His Majesty's Government in Newfoundland, as the case may be, necessitate a variation in the terms of the agreement, the proposal to vary those terms shall form the subject of consultation between the two Governments.

Signed on behalf of His Majesty's Government
in the United Kingdom:

STANLEY BALDWIN.

Signed on behalf of His Majesty's Government
in Newfoundland:

F. C. ALDERDICE.

(Initialled) R. B. H.
August 20, 1932.

SCHEDULE A.

As regards eggs, poultry, butter, cheese and other milk products, free entry for produce of Newfoundland will be continued for three years certain. His Majesty's Government in the United Kingdom, however, reserve to themselves the right, after the expiration of the three years, if they consider it necessary in the interests of the United Kingdom producer to do so, to review the basis of preference, so far as relates to the articles enumerated, and, after notifying His Majesty's Government in Newfoundland, either to impose a preferential duty on produce of Newfoundland, whilst maintaining existing preferential margins, or, in consultation with the Newfoundland Government, to bring such produce within any system which may be put into operation for the quantitative regulation of supplies from all sources in the United Kingdom market.

Newfoundland—*continued.*

SCHEDULE B.

1st Sch. —*cont.*

Cod-liver oil - - - -	1*s.* 4*d.* per gallon.
Chilled or frozen salmon - -	1½*d.* per lb.

SCHEDULE C.

Cod fish.
Marine shell.

SCHEDULE D.

(References are to the current Newfoundland Customs Tariff.)

The margin of preference to be granted will be 10 per cent. ad valorem in each case, except in the cases marked *, where His Majesty's Government in Newfoundland reserve the right to grant a lesser margin of preference if the grant of a preference of 10 per cent. ad valorem would involve loss of revenue.

(1)	Article	61.	Lard for manufacturing.
(2)	,,	61.	Lard compound, lard, &c.
(3)	,,	72.	Confectionery costing less than 18 c. per lb.
(4)	,,	72.	Confectionery costing 18 c. per lb. and over.
(5)	,,	72.	Confectionery to be sold bona fide in bars and packages retailed at 5 c. (Note.—The preference on items (3), (4) and (5) applies to the ad valorem part of the duty and not to the specific part.)
(6)	,,	101.	Linseed or flaxseed oil, &c.
(7)	,,	138.	Iron and steel railway bars, wheels, &c.
(8)	,,	140.	Iron or steel pipe fittings and steel wire.
(9)	,,	157.	Mild steel, &c., N.E.S.
(10)	,,	161.	Manufactures of brass and bronze, N.E.S., &c.
(11)	,,	168.	Tin, babbit metal, solder, &c.
(12)	,,	176.	Saws, axes, adzes, hammers and tools of all kinds.
(13)	,,	177 (*b*).	*Hardware, cutlery, &c.

Newfoundland—*continued.*

1st Sch. —*cont.*

(14) Article 177 (*c*). *Skates, safes and doors, flat irons, &c.

(15) ,, 177 (*d*). *Lamps, lanterns, gas and oil stoves, &c.

(16) ,, 177 (*e*). *Hardware: Builders' hinges, hardware, screws, &c.

(17) ,, 180. *Agate, enamelled and steel hollow-ware, &c.

(18) ,, 187. Electric motors and generators, electric lamps, &c.

(19) ,, 194. *Hand and power machinery costing up to $100.

(20) ,, 195. Hand and power machinery costing over $100.

(21) ,, 196. Office and domestic machinery, typewriters, &c.

(22) ,, 197. Wood-working machinery, radiators, &c.

(23) ,, 200. Machinery: Fish presses, winches, &c.

(24) ,, 201. Special machinery for manufacturers costing not less than $300.

(25) ,, 198. *Machinery and parts of machinery, N.E.S. (including tools for drilling, piercing, tapping and reaming work.)

(26) ,, 222. *Manufactures of cotton, quilts, sheets, towels, gloves, hosiery of cotton, cretonnes, &c.

(27) ,, 222 (*a*). Manufactures of cotton, piece-goods of cotton, Italian cloth, coat linings, &c.

(28) ,, 224. *Manufactures of wool, viz., wool hosiery, gloves, blankets, knitted shirts, sweaters, &c.

(29) ,, 224 (*a*). Manufactures of wool, piece-goods of flannels, serges, cashmeres, tweed, cloths, &c.

(30) ,, 228. *Linen manufactures: Linen damask, stair linen, &c.

(31) ,, 231. *Piece-goods: Velvets and silks in the piece—not made up.

(32) ,, 230. Cotton sewing thread, buttons, needles, &c.

(33) ,, 231 (*a*). *Manufactures of velvets and silks.

(34) ,, 229. Haberdashery: Flowers, ribbons, corsets, laces, &c.

(35) ,, 233. Ready-mades, clothing of all kinds, collars and cuffs.

(36) ,, 236. *Leather boots and shoes.

(37) ,, 239. *Hats and caps.

(38) ,, 242. Acetic acid, medicines, &c.

NEWFOUNDLAND—*continued.*

1ST SCH. —*cont.*

(39) Article 243. Dye-stuffs.
(40) ,, 246. Painters' colours, varnishes, putty, &c.
(41) ,, 247. Sole leather in the hide or side.
(42) ,, 247. All other upper leathers, N.E.S.
(43) ,, 251. Leather belting.
(44) ,, 257. Printing paper for printers.
(45) ,, 258. Printing paper, N.E.S., toilet and writing paper, paper bags, unprinted.
(46) ,, 262. Firearms, guns, rifles, cartridges, cases, &c.
(47) ,, 266. Knife brick and polish of all kinds.
(48) ,, 273. Automobiles or motor cars.
(49) ,, 273. Rubber tyres and tubes.
(50) ,, 277. Cordage of all kinds, N.E.S.
(51) ,, 279. Stoppers of all kinds.
(52) ,, 282. Fancy-wares.
(53) ,, 285. Matches.
(54) ,, 290. Musical instruments.
(55) ,, 292. Oilcloth, linoleum, &c.
(56) ,, 294. Perfumery, hair oil, tooth and other powders.
(57) ,, 300. Soap.
(58) ,, 306 (*a*). Stationery, erasing rubbers, pens, pencils, &c., N.E.S.
(59) ,, 306 (*d*). Printed music.
(60) ,, 307. Toys, dolls, sleds, games, &c.
(61) ,, 205. Mining equipment, dynamite, &c.

SCHEDULE E.

Commodities.	Margin of Preference.
Coffee, green, roasted or ground ...	2c. per lb.
Fruit: Oranges, lemons, &c.	10 per cent. ad valorem.
Coconut, desiccated, sweetened or not	4c. per lb.
Tea	4c. per lb.
Vegetables, raw: viz., tomatoes ...	20 per cent. ad valorem.

NEWFOUNDLAND—*continued.*

1ST SCH. —*cont.*

COPY OF CORRESPONDENCE BETWEEN MR. BALDWIN AND MR. ALDERDICE REGARDING THE USE OF NEWFOUNDLAND WABANA IRON ORE IN THE UNITED KINGDOM.

Parliament Buildings,
Ottawa, August 18, 1932.

Dear Prime Minister,

MY colleagues and I recognise that an arrangement between the interests concerned for the importation into the United Kingdom of a substantial quantity of Wabana iron ore is of paramount importance to the economic life of Newfoundland.

We therefore give you our assurance, on behalf of our Government, that we shall regard the last paragraph of Article 9 of the Agreement which is being concluded between His Majesty's Government in the United Kingdom and His Majesty's Government in Newfoundland as entitling the Government of Newfoundland to give us notice that they are unable to implement the Agreement, other than Articles 4, 7 and 8 and Schedule E, on the ground that a satisfactory arrangement between the interests concerned as regards the importation of such ore into the United Kingdom has not been concluded.

In that event it is understood between us that the Agreement, other than Articles 4, 7 and 8 and Schedule E, will be regarded as at an end.

I shall be glad to learn from you at your early convenience whether you concur that this correctly represents our understanding.

Yours sincerely,

(Signed) STANLEY BALDWIN.

The Prime Minister of Newfoundland,
Room 340, Parliament Buildings,
Ottawa.

Dear Lord President, Ottawa, August 18, 1932.

I have received your letter of to-day's date regarding the Agreement between our respective Governments and I agree with you that your letter correctly represents the understanding between us.

Yours sincerely,

(Signed) F. C. ALDERDICE.

The Right Hon. Stanley Baldwin, M.P.

PART VI.

1st Sch. —*cont.*

UNITED KINGDOM–INDIAN AGREEMENT.

We, the representatives of His Majesty's Government in the United Kingdom and of the Government of India, hereby agree with one another, on behalf of our respective Governments, as follows:—

ARTICLE 1.

His Majesty's Government in the United Kingdom undertake that Orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of Indian goods which comply with the law and statutory regulations for the time being in force, defining Empire goods for the purpose of customs duties, and which, by virtue of that Act, are now free of duty.

ARTICLE 2.

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule A appended hereto the duties of customs shown in that schedule in place of the duties (if any) now leviable.

ARTICLE 3.

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to secure to Indian goods of the kinds specified in Schedule B appended hereto, which comply with the law and statutory regulations for the time being in force, defining Empire goods for the purpose of customs duties, the margin of preference over similar foreign goods shown in that schedule.

ARTICLE 4.

His Majesty's Government in the United Kingdom undertake that no order will be made, and that Parliament will not be invited to pass legislation which would have the effect of reducing the margin of preference now enjoyed by Indian goods of the kinds specified in Schedule C over similar foreign goods, and further undertake that, in the event of any greater preference being accorded in respect of such goods imported from any other part of the Empire, such greater preference will be extended to similar Indian goods.

India—*continued.*

1st Sch. —*cont.*

Article 5.

It is agreed that the duty on either wheat in grain or lead as provided in this Agreement may be removed if at any time Empire producers of wheat in grain and lead respectively are unable or unwilling to offer these commodities on first sale in the United Kingdom at prices not exceeding the world prices, and in quantities sufficient to supply the requirements of United Kingdom consumers.

Article 6.

His Majesty's Government in the United Kingdom will invite Parliament to pass legislation which will secure for a period of ten years from the date hereof to tobacco, which complies with the law and statutory regulations for the time being in force defining Empire goods for the purpose of customs duties, the existing margin of preference over foreign tobacco, so long, however, as the duty on foreign unmanufactured tobacco does not fall below 2*s*. 0½*d*. per lb., in which event the margin of preference shall be equivalent to the full duty.

Article 7.

His Majesty's Government in the United Kingdom will invite Parliament to pass legislation providing for the admission into the United Kingdom free of duty from all sources of the goods specified in Schedule D.

Article 8.

His Majesty's Government in the United Kingdom undertake that they will co-operate in any practicable scheme that may be agreed between the manufacturing, trading and producing interests in the United Kingdom and India for promoting, whether by research, propaganda or improved marketing, the greater use of Indian cotton in the United Kingdom.

Article 9.

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates to accord to India any preference which may, for the time being, be accorded to any other part of the British Empire, provided that this clause shall not extend to any preferences accorded by Northern Rhodesia to the Union of South Africa, Southern Rhodesia and the Territories of the South African High Commission by virtue of the Customs Agreement of 1930, and, further, will invite the governments of the colonies and protectorates, shown in Schedule E, to accord to India new or additional preferences on the commodities and at the rates shown therein.

INDIA—*continued.*

Article 10.

The Government of India will invite the Legislature to pass the legislation necessary to secure to United Kingdom goods of the kinds specified in Schedule F, which comply with the laws and statutory regulations for the time being in force defining Empire goods for the purpose of customs duties the margins of preference over similar foreign goods shown in that schedule.

Article 11.

The Government of India will consider, in the light of the findings of the Tariff Board, the protective duties to be imposed on goods of cotton and artificial silk according as they are made in the United Kingdom or elsewhere, and will invite the Legislature to pass legislation by which, where protective duties are not imposed as a result of the recommendations of the Tariff Board upon United Kingdom goods of the kinds specified in Schedule G, the margins of preference shown in that schedule will be extended to such goods.

Article 12.

The Government of India will invite the Legislature to pass the legislation necessary to secure to the colonies and protectorates and the mandated territories of Tanganyika, the Cameroons under British mandate and Togoland under British mandate, preferences on the commodities which comply with the laws and statutory regulations for the time being in force defining Empire goods for the purpose of customs duties and at the rates shown in Schedule H, and also any preferences from time to time accorded to the United Kingdom if His Majesty's Government in the United Kingdom so request. Provided that the Government of India shall not be bound to accord any preferences to any colony or protectorate which, not being precluded by international obligations from according preferences, either (i) accords to India no preferences, or (ii) accords to some other part of the Empire (in the case of Northern Rhodesia, excepting the Union of South Africa, Southern Rhodesia and the territories of the High Commission) preferences not accorded to India.

Article 13.

His Majesty's Government in the United Kingdom declare that they will maintain their existing policy under which tariff preferences accorded to any Dominion are also accorded to India, and the Government of India, for their part, declare that it is their intention to extend to the United Kingdom any tariff preferences which they may accord to any Dominion.

India—*continued.*

1st Sch. —*cont.*

Article 14.

This agreement between His Majesty's Government in the United Kingdom and the Government of India shall continue in force until a date six months after notice of denunciation has been given by either party.

Provided that in the event of circumstances arising which in the opinion of either party necessitate a change in the rates of duty or margins of preference settled by the agreement on any particular description of goods, that party shall notify and consult with the other party with a view to adjustments being agreed upon. If no agreement is reached within six months of the date of such notice it shall then be open to the original party to give to the other party six months' notice of his intention to carry into effect the change desired in the rate of duty or margin of preference on goods of the description named in the original notice, and to bring the revised rate or rates into operation at the expiration of this period.

Signed on behalf of His Majesty's Government in the United Kingdom :

STANLEY BALDWIN.

Signed on behalf of the Government of India :

ATUL C. CHATTERJEE.

(Initialled) R. B. H.
August 20, 1932.

SCHEDULE A.

Description of Goods.	Rate of Duty.
Wheat, in grain	2*s* per quarter.
Rice, husked, including cargo rice and cleaned rice whole, but not including broken rice.	1*d*. per lb.
Castor oil, linseed oil, coconut oil, ground-nut oil, rape oil, and sesamum oil.	15 per cent. ad valorem.
Magnesium chloride	1*s*. per cwt.
Linseed	10 per cent. ad valorem.

India—*continued.*

SCHEDULE B.

1st Sch. —*cont.*

Description of Goods.	Margin of Preference.
Coffee - - - - -	9*s.* 4*d.* per cwt.

SCHEDULE C.

Tea.
Coir yarn.
Coir mats and matting.
Cotton yarns, unbleached, up to No. 40 Count.
Cotton manufactures.
Leather, undressed—hides, other than sole leather.
Leather, undressed—skins.
Jute manufactures.
Oil-seed cake and meal.
Paraffin wax.
Spices.
Teak and other hardwoods, whether hewn or sawn, in so far as now subject to duty.
Woollen carpets and rugs.
Bran and pollard.
Rice meal and dust.
Tobacco.
Castor seed.
Magnesite.
Sandalwood oil.
Granite setts and curbs.
Ground-nuts.
Lead.

SCHEDULE D.

Shellac, seed lac and stick lac.
Jute, raw.
Myrabolams.
Rice, broken.
Mica slabs and splittings.
Crotalaria juncea and any other varieties of Indian hemp that can be distinguished.

India—*continued.*

1st Sch. —*cont.*

SCHEDULE E.

(1) Ceylon.

(*a*) At a rate of not less than 10 per cent. ad valorem—

Cotton piece-goods.
Cotton yarn.
Fresh fruits and vegetables.
Dried, salted and preserved fruits and vegetables.
Pig lead (but not lead sheets, tea lead or foil).
Iron and steel.
Teak and other hardwoods.
Perfumery.
Coriander seed.
Beans.
Apparel.
Boots and shoes.
Woollen carpets and rugs.

(*b*) At specific rates—

Tea at the rate of 12½ cents per lb.
Coffee, raw, roasted or ground, at the rate of 6 cents per lb.
Tobacco manufactures, at rates to be subsequently determined.

(2) Those Governments of British Malaya with whose tariff policy it is consistent to impose duties on the commodities in question.

(*a*) At a rate of not less than 10 per cent. ad valorem—

Tanned hides and skins.
Brass, bronze, brassware and bronzeware.
Copper and copperware.
Paraffin wax.
Perfumery.
Ground-nuts.
Cotton piece-goods.
Fishmaws and sharkfins.

(*b*) At 2 cents per lb.—

Ground-nut oil (kachang oil).
Gingelly oil.

India—*continued.*

SCHEDULE F.

1st Sch. —*cont.*

Note.—The 10 per cent. preference granted to the United Kingdom by the agreement does not extend to commodities in the following classes :—

(1) Those free of duty under Part I of Schedule II of the Indian Tariff Act.

(2) Those dutiable under the following entries in Part II of Schedule II of the Indian Tariff Act: 27A, 29, 43A, 43B, 45B.

(3) Articles dutiable under Part III of Schedule II of the Indian Tariff Act.

(4) Articles dutiable under Part IV of Schedule II of the Indian Tariff Act, excepting entries No. 60, 61 and 62.

(5) Articles which are liable to protective duty at special rates under Part VII of Schedule II of the Indian Tariff Act.

Specification in Annual Statement of Sea-borne Trade of British India.	Rate of Preference ad valorem
Apparel (excluding hosiery and boots and shoes)—	Per cent.
1. Apparel (including drapery, uniforms, accoutrements)*	10
2. Apparel—caps, bonnets and hatters' ware*	10
3. Apparel—second-hand clothing*	10
Arms, ammunition—	
4. Filled cartridge cases	10
5. Empty cartridge cases	10
6. Firearms	10
Asbestos—	
7. Asbestos manufactures	10
8. Boots and shoes of leather	10
Brushes and brooms—	
9. Brushes (paint and varnish)	10
10. Toilet brushes	10
11. Brushes (other than toilet and paint and varnish)	10

* In so far as they are not subject to duty under Nos. 45A and 133 of the Indian Tariff Act.

India—*continued.*

1st Sch. —*cont.*

Specification in Annual Statement of Sea-borne Trade of British India.	Rate of Preference ad valorem.
Building and engineering materials, other than of iron, steel or wood—	Per cent.
12. Firebricks	10
13. Cement, Portland	10
14. Cement, other than Portland	10
15. Tiles, other than glass tiles	10
16. Other kinds (except asphalt, bricks, chalk, lime and clay)	10
Buttons—	
17. Buttons, metal	10
Chemicals and chemical preparations (excluding chemical manures and medicines)—	
18. Tartaric acid	10
19. Other acids (except acetic, carbolic, citric, oxalic and tartaric)	10
20. Anhydrous ammonia	10
21. Other ammonia and salts thereof	10
22. Disinfectants other than naphthalene	10
23. Bichromate of potassium	10
24. Potassium compounds, other sorts (except chlorate and cyanide)	10
25. Bichromate of soda	10
26. Cyanide of sodium	10
27. Caustic soda	10
28. Sodium carbonate (soda ash and soda crystals)	10
29. Soda compounds, other (except bicarbonate, borax and sodium silicate)	10
30. Other sorts of chemicals (except those indicated above as separately distinguished and except alum, arsenic, calcium carbide, glycerine, lead compounds, ferrous sulphate, magnesium compounds, sulphur and zinc compounds)	10
31. Cocoa and chocolate	10
32. Confectionery	10
33. Cordage and rope of vegetable fibre (excluding jute and cotton)	10
34. Cork manufactures	10
35. Cutlery (except pruning knives)	10

India—*continued.*

1st Sch. —*cont.*

Specification in Annual Statement of Sea-borne Trade of British India.	Rate of Preference ad valorem.
Drugs and medicines (except chemicals and narcotics)—	Per cent.
36. Proprietary and patent medicines	10
37. Other sorts (except aloes, asafoetida camphor, cocaine, morphia, opium, sarsaparilla and storax)	10
Earthenware and porcelain—	
38. Earthenware, except pipes and sanitary ware	10
39. Porcelain, electrical	10
40. Porcelain, other kinds	10
Furniture and cabinetware—	
41. Bedsteads	10
42. Wooden furniture, other than bedsteads	10
43. Furniture of other materials, except bedsteads	10
44. Glue	10
Hardware (excluding cutlery and electro-plated ware)—	
45. Builders' hardware such as locks, hinges, door bolts, &c.	10
46. Domestic, other than enamelled iron-ware	10
47. Enamelled iron-ware	10
48. Gas mantles	10
49. Implements and tools other than agricultural implements and machine tools	10
50. Lamps, metal	10
51. Parts of lamps, other than glass	10
52. Safes and strong boxes of metal	10
53. Stoves	10
54. Other sorts (except agricultural implements, buckets of tinned or galvanised iron, lamps of glass)	10
Instruments, apparatus and appliances and parts thereof, electrical (including telephone and telegraph apparatus not being machinery)—	
55. Electric fans and parts thereof	10
56. Electric wires and cables	10
57. Standard lighting lamps	10

India—*continued.*

1st Sch. —*cont.*

Specification in Annual Statement of Sea-borne Trade of British India.	Rate of Preference ad valorem.
	Per cent.
Instruments, &c.—*continued.*	
58. Batteries - - - - - - -	10
59. Accumulators (including parts) in so far as they are not subject to duty under No. 42A of Schedule II of the Indian Tariff Act -	10
60. Accumulators (including parts) in so far as they are subject to duty under No. 42A of Schedule II of the Indian Tariff Act - -	7½
61. Electric lighting accessories and fittings (including switches) - - - - -	10
62. Meters (other than telegraphic and telephonic)	10
63. Other electrical instruments (other than telegraphic and telephonic), except meters -	10
64. Electro medical apparatus (including X-ray)	10
65. Other electrical goods and apparatus (except electric wires and cables, telegraph and telephone instruments and apparatus, flash lights, parts and accessories of electric lamps, carbons, condensers, bell apparatus and switch boards) - - - - - -	10
Musical—	
66. Pianos and piano players complete - -	10
67. Talking machines and accessories (except records) - - - - - - -	10
68. Other musical instruments and parts (except organs and harmoniums complete, and talking machines and records) - - -	10
Photographic—	
69. Cinematograph films, raw, *i.e.*, blank films on which no picture has been impressed -	10
70. Photographic, other than above enumerated and exposed cinematograph films - -	10
71. Photographic plates and papers - - -	10
72. Scientific and philosophical - - - -	10
73. Surgical - - - - - - -	10
74. Wireless apparatus in so far as it is dutiable under No. 43 of Schedule II of the Indian Tariff Act - - - - - - -	10

India—*continued.*

1st Sch. —*cont.*

Specification in Annual Statement of Sea-borne Trade of British India.	Rate of Preference. ad valorem.
	Per cent.
Instruments, &c.—*continued.*	
75. Other instruments, &c., not indicated above as separately distinguished in the Trade Returns (except optical), including domestic refrigerators	10
Leather—	
76. Skins, tanned or dressed	10
77. Unwrought	10
78. Leather cloth (including artificial leather)	10
79. Other manufactures of leather (except pickers, roller skins, saddlery and harness and bags and trunks)	10
Liquors, including denatured and perfumed spirits—	
80. Ale and beer in bottle	10
81. Ale and beer in other containers, including barrels	10
82. Spirit present in drugs, medicines or chemicals	10
83. Spirit, perfumed	10
Machinery and millwork—	
84. All sorts subject to duty under No. 96 of the Indian Tariff Act, including sewing and knitting machines and parts thereof, and typewriters and parts thereof	10
Metals and ores—	
85. Aluminium circles	10
86. Aluminium sheets	10
87. Other aluminium manufactures (except unwrought ingots, blocks, bars, &c.)	10
Brass, bronze and similar alloys and manufactures thereof—	
88. Wrought: Mixed or yellow metal for sheathing	10
89. Wrought: Rods	10
90. Wrought: Sheets	10
91. Wrought: Tubes	10
92. Wrought: Wire	10
93. Wrought: Other sorts	10

INDIA—*continued.*

1ST SCH. —*cont.*

Specification in Annual Statement of Sea-borne Trade of British India.	Rate of Preference ad valorem.
	Per cent.
Metals and ores—*continued.*	
Copper—	
94. Wrought: Rods	10
95. Wrought: Sheets	10
96. Wrought: Tubes	10
97. Wrought: Wire, excluding telegraph and telephone	10
98. Other copper manufactures (except braziers)	10
99. German silver (including nickel silver)	10
100. Iron and steel, all sorts, which are subject to duty under Nos. 60, 61, 62 and 97 of Schedule II of the Indian Tariff Act	10
Lead, wrought—	
101. Pipes and tubes	10
102. Sheets (other than sheets for tea chests)	10
Zinc or spelter—	
103. Wrought or manufactured	10
Oils—	
104. Fish oil	10
105. Essential—synthetic	10
106. Natural essential oils (except almond, bergamot, gajuputti, camphor, cloves, eucalyptus, lavender, lemon, otto rose and peppermint)	10
107. Lubricating (mineral) other than batching	10
108. Mineral: Paints, solutions and composition, dangerous, flashing below 76° F.	10
109. Vegetable non-essential oils (except coconut, ground-nut and linseed)	10
110. Oil-cloth and floor-cloth	10
111. Packing, engine and boiler of all kinds (excluding asbestos)	10
Paints and painters' materials—	
Paints and colours—	
112. Blue paint or Paris blue	10
113. Enamels, prepared	10
114. Red lead, genuine dry	10

INDIA—*continued.*

Specification in Annual Statement of Sea-borne Trade of British India.	Rate of Preference ad valorem.
Paints and painters' materials—*continued.*	Per cent.
115. White lead, genuine dry - - - -	10
116. Zinc white, genuine dry - - - - -	10
117. Other sorts (except barytes, graphite, reduced dry red lead and white lead, moist white lead, reduced dry zinc white and moist zinc white) - - - - - - -	10
Other than paints and colours—	
118. Goods, other than turpentine and turpentine substitute and varnish - - - -	10
Paper and Pasteboard—	
Paper—	
119. Packing paper - - - - - -	10
120. Printing paper (except newsprint) - - -	10
121. Writing paper in large sheets - - -	10
122. Envelopes imported separately - - -	10
123. Other kinds of paper (except "note and letter paper and envelopes" and old newspaper in bales and bags) - - - - - -	10
124. Paper manufactures - - - - -	10
Pasteboard, millboard and cardboard of all kinds—	
125. Other than strawboards - - - -	10
126. Manufactures of pasteboard, millboard and cardboard - - - - - - -	10
Provisions and oilman's stores—	
127. Canned or bottled fruits - - - -	10
128. Tinned or canned fish - - - -	10
129. Other canned and bottled provisions n.e.s. (except vegetable products—vegetable ghi and fat, &c.) - - - - - - -	10
130. Milk, condensed and preserved, including milk cream - - - - - -	10
Rubber manufactures—	
131. Pneumatic motor covers - - - -	10
132. Pneumatic motor tubes - - - -	10
133. Pneumatic motor-cycle covers - - -	10
134. Pneumatic cycle covers - - - -	10

INDIA—*continued.*

1ST SCH. —*cont.*

Specification in Annual Statement of Sea-borne Trade of British India.	Rate of Preference ad valorem.
	Per cent.
Rubber manufactures—*continued.*	
135. Pneumatic cycle tubes	10
136. Solid rubber tyres for motor vehicles	10
137. Other manufactures, except apparel, boots and shoes (and except pneumatic motor-cycle tubes)	10
138. Smokers' requisites (excluding tobacco)	10
139. Soap: Toilet	10
140. Stationery (excluding paper), pencils (excluding slate pencils)	10
141. Other sorts	10
Textiles—	
Haberdashery and millinery—	
142. Lace and embroidery*	10
143. Other sorts (except towels not in the piece)*	10
Wool—	
144. Worsted yarn for weaving	10
145. Knitting wool	10
Manufactures—	
146. Carpets and floor rugs	10
147. Hosiery	10
148. Piece-goods	10
149. Shawls	10
150. Other sorts (except blankets and rugs)	10
151. Toilet requisites not specified elsewhere in the trade returns	10
Toys and requisites for games and sports (including fishing tackle)—	
152. Toys	10
Requisites for games and sports (excluding fire-arms, &c.)—	
153. Playing cards	10
154. Other	10
155. Umbrellas and umbrella fittings	10

* In so far as they are not subject to duty under Nos. 45A and 133 of Schedule II of the Indian Tariff Act.

India—*continued.*

Specification in Annual Statement of Sea-borne Trade of British India.	Rate of Preference ad valorem.
Vehicles—	Per cent.
156. Carriages and carts not mechanically propelled (excluding railway carriages, trucks, &c.)	10
157. Parts of carriages and carts (excluding rubber tyres)	10
158. Cycles (other than motor cycles) imported entire or in sections	10
159. Parts of cycles and accessories (other than of motor cycles) (excluding rubber tyres)	10
160. Motor cars (including taxicabs)	7½
161. Motor omnibuses	7½
162. Chassis of motor omnibuses, motor vans and motor lorries	7½
163. Parts of mechanically propelled vehicles and accessories other than of aircraft (excluding rubber tyres)	7½

SCHEDULE G.

	Rate of Preference ad valorem.
	Per cent.
Apparel (including drapery, uniforms, accoutrements)*	10
Apparel—caps, bonnets and hatters' ware*	10
Apparel—second-hand clothing*	10
Canvas, cotton	10
Shawls, in the piece, cotton	10
Lace and patent net, cotton	10
Fents, cotton, 9 yards long or less	10
Other sorts of cotton manufactures (excluding twist and yarn, piece-goods, thread for sewing, blankets, handkerchiefs in the piece, hosiery, rope and towels in the piece)	10
Lace and embroidery*	10
Other sorts of haberdashery and millinery*	10

* In so far as they are not subject to duty under Nos. 45A and 133 of Schedule II of the Indian Tariff Act.

1ST SCH. —*cont.*

INDIA—*continued.*

	Rate of Preference ad valorem.
	Per cent.
Silk manufactures, excluding yarn, noils and warps, piece-goods and thread for sewing - - -	10
Goods of silk mixed with other materials, excluding twist and yarn, piece-goods and thread for sewing -	10
Artificial silk manufactures, excluding yarn, piece-goods and thread for sewing - - - - - -	10
Goods of artificial silk, mixed with other materials, excluding twist and yarn, piece-goods and thread for sewing - - - - - - - - -	10

SCHEDULE H.

(*a*) Preferences at a rate of not less than 10 per cent. ad valorem—

Asphalt.
Beeswax.
Soda ash, including calcined, natural soda and manufactured sesqui-carbonates.
Gum arabic.
Gum benjamin, ras and cowrie.
Gum dammer.
Dammer batu, unrefined.
Rosin.
Cutch.
Gambier, all sorts.
Citronella oil.
Cinnamon oil.
Cinnamon-leaf oil.
Coconuts, husked, unhusked and other kinds, copra or coconut kernel, coconut oil, coir fibre, coir yarn, coir mats and matting.
Fish, dry, unsalted.
Fish, dry, salted.
Fish, canned.
Fresh vegetables.
Vegetables, dried, salted or preserved.
Fruit and vegetables, canned and bottled.
Fruit juices.
Sisal and aloe fibre.
Ivory, unmanufactured.
Oil seeds (other than essential).
Vegetable oils (other than essential).

India—*continued.*

1st Sch. —*cont.*

Plumbago.
Sago and tapioca (but not sago flour).
Vanilla beans.

And so long as it is consistent with India's Tariff Policy to impose Customs duties on the commodities in question—

Fresh fruits (other than coconuts).
Dried, salted or preserved fruits.

(*b*) At a rate of 7½ per cent. ad valorem—

Betelnuts.
Unground spices.

And, so far as preferences are granted to the United Kingdom, drugs and medicines and apparel of all kinds.

(*c*) Preferences at specific rates—

Bitters at the rate of 3–12 Rs. per gallon.
Coffee at the rate of 1 anna per lb.
Rum at the rate of 3–12 Rs. per proof gallon.
Tea at the rate of 2 annas per lb.
Unmanufactured tobacco at rates to be subsequently determined.

Copy of Correspondence between Sir George Rainy and Sir Horace Wilson, in regard to Galvanised Sheet.

Sir, September 22, 1932.

When the Agreement between the British and Indian Delegations was made at Ottawa it was found necessary to postpone a final settlement of certain questions relating to iron and steel. By Article 1 of the Agreement His Majesty's Government in the United Kingdom undertook to continue after the 15th November free entry to all classes of Indian goods covered by the Import Duties Act. It was clearly understood, however, between the two Delegations that the continuance of the free entry of Indian iron and steel for a longer period than six months from the date of the Agreement was dependent on the settlement of satisfactory conditions in regard to the tariff treatment of galvanised sheet on importation into India. At the same time an understanding was reached that the conditions which would be satisfactory to His Majesty's Government in the United Kingdom were as follows :—

(1) On the basis of present selling prices, the duties on galvanised sheet in the Indian tariff to be adjusted as follows :—

30 rupees per ton on sheet made in the United Kingdom from Indian sheet bar.

53 rupees per ton on sheet made in the United Kingdom from other sheet bar.

83 rupees per ton on sheet not made in the United Kingdom.

India—*continued.*

1st Sch. —*cont.*

(2) In the event of further reductions in the price of sheet imported into India and not made in the United Kingdom, the Government of India, as soon as they are satisfied that a fall in prices had in fact occurred, would, without an enquiry by the Tariff Board, take prompt and effective action to meet the situation by the imposition of an additional duty. The amount of the additional duty would not necessarily be limited to the amount of the price reduction actually made, but would be sufficient to make clear the intention of the Government of India to maintain prices.

(3) Each Government would remain at liberty to take appropriate measures to prevent sales at unfair prices by the manufacturers in the other country, or to check an unnecessary increase in prices against the consumer by a combination of manufacturers in both countries.

(4) These arrangements to remain in force until action is taken by the Government of India following the next statutory Tariff enquiry in India into the Iron and Steel industry.

2. The Indian Delegation are now prepared to undertake, on behalf of the Government of India, that proposals will be placed before the Indian Legislature for the adjustment of the duties on galvanised sheet at the rates set forth in clause (1) above, and for obtaining the powers which are necessary to carry out the intention of clauses (2) and (3). I have been authorised by my colleagues of the Indian Delegation to make this communication to you, and I have now the honour to request that you will inform me whether the terms of the understanding have been correctly stated in this letter.

I am, &c.
(Signed) GEORGE RAINY.

Sir Horace Wilson, K.C.B., C.B.E.,
Chief Industrial Adviser to His Majesty's
Government in the United Kingdom.

Sir, September 22, 1932.

I have to thank you for your letter of to-day's date on the subject of the tariff treatment to be accorded to galvanised sheets imported into India, and to confirm that the terms of the understanding which has been reached in this connection by our respective Governments are accurately set out in your letter.

I am, &c.
(Signed) H. J. WILSON.

Sir George Rainy, K.C.S.I., K.C.I.E.,
India House, Aldwych, W.C.2.

PART VII.

1ST SCH. —*cont.*

UNITED KINGDOM-SOUTHERN RHODESIAN AGREEMENT.

WE, the representatives of His Majesty's Government in the United Kingdom and of the Government of Southern Rhodesia, hereby agree with one another, on behalf of our respective Governments, as follows :—

ARTICLE 1.

His Majesty's Government in the United Kingdom undertake that Orders shall be made in accordance with the provisions of section 4 of the Import Duties Act, 1932, which will ensure the continuance after the 15th November, 1932, of entry free of duty into the United Kingdom of Southern Rhodesian goods which comply with the law and statutory regulations for the time being in force affecting the grant of Imperial Preference, and which by virtue of that Act are now free of duty, subject, however, to the reservations set forth in Schedule A appended hereto.

ARTICLE 2.

His Majesty's Government in the United Kingdom will invite Parliament to pass legislation which will secure for a period of ten years from the date hereof to tobacco, which complies with the law and statutory regulations for the time being in force affecting the grant of Imperial Preference, the existing margin of preference over foreign tobacco, so long, however, as the duty on foreign unmanufactured tobacco does not fall below 2*s*. 0½*d*. per lb., in which event the margin of preference shall be equivalent to the full duty. They will further endeavour to take such steps as may be practicable, on the lines which have been discussed, to assist the marketing of Southern Rhodesian tobacco.

ARTICLE 3.

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to impose on the foreign goods specified in Schedule B appended hereto, the duties of customs shown in that schedule in place of the duties, if any, now leviable.

ARTICLE 4.

His Majesty's Government in the United Kingdom will invite Parliament to pass the legislation necessary to secure to Southern Rhodesian coffee, which complies with the law and statutory regulations for the time being in force, affecting the grant of Imperial Preference, a margin of preference of 9*s*. 4*d*. per cwt. over foreign coffee.

Southern Rhodesia—*continued.*

1st Sch. —*cont.*

Article 5.

His Majesty's Government in the United Kingdom undertake that the general ad valorem duty of 10 per cent. imposed by section 1 of the Import Duties Act, 1932, on the foreign goods specified in Schedule C shall not be reduced except with the consent of the Government of Southern Rhodesia.

Article 6.

The duty on copper provided in this agreement is conditional on the Empire producers of copper continuing to offer this commodity on first sale in the United Kingdom at a price not exceeding the world price.

Article 7.

His Majesty's Government in the United Kingdom will invite the Governments of the non-self-governing colonies and protectorates to accord to Southern Rhodesia any preference which may for the time being be accorded to any other part of the British Empire, and further will invite the Governments of all the colonies and protectorates which are free to grant preferences so to adjust their customs duties chargeable upon cigarettes and manufactured tobacco that a lesser duty shall be chargeable upon such articles when manufactured within the Empire from tobacco grown within the Empire than upon such articles when manufactured from foreign tobacco.

Article 8.

The Government of Southern Rhodesia will invite Parliament to pass the legislation necessary to secure to United Kingdom goods of the kinds specified in Schedule D the margins of preference shown in that schedule, and to amend the existing duties upon foreign goods of the kind specified in Schedule E so as to provide for alternative specific duties as shown in that schedule.

Article 9.

The Government of Southern Rhodesia will favourably consider, when economic and budgetary considerations permit, the further extension of preferences accorded to United Kingdom goods.

Article 10.

The Government of Southern Rhodesia will invite Parliament to accord to the non-self-governing colonies and protectorates and the mandated territories of Tanganyika, the Cameroons under

Southern Rhodesia—*continued.*

British mandate, and Togoland under British mandate, preferences on the commodities and at the rates shown in the Schedule F appended hereto, and also any preferences for the time being accorded to the United Kingdom, if His Majesty's Government in the United Kingdom so request.

1st Sch. —*cont.*

Article 11.

This agreement between His Majesty's Government in the United Kingdom and the Government of Southern Rhodesia is to be regarded as coming into effect as from the date hereof (subject to the necessary legislative or other action being taken as soon as may be practicable hereafter). It shall continue in force for a period of five years, and if not denounced six months before the end of that period, shall continue in force thereafter until a date six months after notice of denunciation has been given by either party.

In the event of circumstances arising which, in the judgment of His Majesty's Government in the United Kingdom or of the Government of Southern Rhodesia, as the case may be, necessitate a variation in the terms of the agreement, the proposal to vary those terms shall form the subject of consultation between the two Governments.

Signed on behalf of His Majesty's Government in the United Kingdom :
STANLEY BALDWIN.

Signed on behalf of the Government of Southern Rhodesia :
H. U. MOFFAT.

(Initialled) R. B. H.
August 20, 1932.

SCHEDULE A.

As regards eggs, poultry, butter, cheese and other milk products, free entry for produce of Southern Rhodesia will be continued for three years certain. His Majesty's Government in the United Kingdom, however, reserve to themselves the right, after the expiration of three years, if they consider it necessary in the interests of the United Kingdom producer to do so, to review the basis of preference, so far as relates to the articles enumerated and, after notifying the Government of Southern

Southern Rhodesia—*continued.*

1st Sch. —*cont.* Rhodesia, either to impose a preferential duty on produce of Southern Rhodesia, whilst maintaining existing preferential margins, or, in consultation with the Government of Southern Rhodesia, to bring such produce within any system which may be put into operation for the quantitative regulation of supplies from all sources in the United Kingdom market.

SCHEDULE B.

Maize, flat white - - -	10 per cent. ad valorem.
Butter - - - - -	15*s*. per cwt.
Cheese - - - - -	15 per cent. ad valorem.
Eggs in shell—	
(*a*) Not exceeding 14 lbs. in weight per great hundred.	1*s*. per great hundred.
(*b*) Over 14 lbs. but not exceeding 17 lbs.	1*s*. 6*d*. per great hundred.
(*c*) Over 17 lbs. - - -	1*s*. 9*d*. per great hundred.
Copper, unwrought, whether refined or not, in ingots, bars, blocks, slabs and rods.	2*d*. per lb.
Oranges, fresh - - -	3*s*. 6*d*. per cwt. from April 1 to November 30.
Grape-fruit, fresh - - -	5*s*. per cwt. from April 1 to November 30.

SCHEDULE C.

Asbestos.
Ground nuts.
Kaffir corn and meal.
Potatoes.

Southern Rhodesia—*continued.*

SCHEDULE D.

1st Sch.
—*cont.*

Tariff Item.	Description of Goods.	Margin of Preference.
119 (*b*)	Batteries, electrical; wet or dry, primary or secondary, including accumulators	15 per cent. ad valorem.
ex 149	Typewriters and parts thereof	15 per cent. ad valorem.
ex 119 (*a*)	Electrical material (except cable and wire)	10 per cent. ad valorem.
154	Wireless telegraphy and telephony instruments and apparatus used in the working thereof, except batteries	15 per cent. ad valorem.
129 and 130	Motor cars, parts and accessories— The grant of increased preference to the United Kingdom will be considered when the present advantage to exporters caused by the state of the exchanges has ceased.	
99	Cutlery, not gold or silver, nor gold or silver-plated	20 per cent. ad valorem.
172 (*b*)	Glassware (except bottles and jars and plate and window glass)	15 per cent. ad valorem.

SCHEDULE E.

—	Description of Goods.	Revised Rates.
	Piece-goods, not including blanketing—	Ad valorem rates to remain as at present—but alternative specific duties of 1½*d.* per yard on cotton and 3*d.* per yard on silk and rayon to be imposed.
76 (*a*)	Of silk or artificial silk or mixtures thereof with any other material.	
76 (*b*)	All other n.e.e.	

SCHEDULE F.

Commodities.	Margin of Preference.
Tea	2*d.* per lb.
Coffee, raw	1*d.* per lb.
Cocoa, raw	1*d.* per lb.
Cigars	2*s.* per lb.
Rum and bitters	3*s.* per Imperial proof gallon.

1st Sch. —*cont.*

Part VIII.

Announcement by His Majesty's Government in the United Kingdom.

Duties on Bananas and Grapefruit.

His Majesty's Government in the United Kingdom announced during the course of the Conference that they would invite Parliament to convert the present duty on bananas into a specific duty of two shillings and sixpence per hundredweight and to extend the duty on grapefruit to cover the whole year.

Section 1.

SECOND SCHEDULE.

Provisions as to Customs Duties chargeable under Section One.

Part I.

Table of Duties.

Class or description of Goods.	Rate of Duty.	Period during which duty charged.
Wheat in grain - - - -	2*s*. per qtr. of 480 lbs.	
Maize, flat, white - - - -	10 per cent.	
Rice, husked, including cargo rice and cleaned rice whole, but not including broken rice - - -	1*d*. per lb.	
Butter - - - - - -	15*s*. per cwt.	
Cheese - - - - - -	15 per cent.	
Eggs in shell:—		
(*a*) not exceeding 14 lbs. in weight per great hundred	1*s*. per great hundred.	
(*b*) over 14 lbs. but not exceeding 17 lbs. in weight per great hundred	1*s*. 6*d*. per great hundred.	
(*c*) over 17 lbs. in weight per great hundred	1*s*. 9*d*. per great hundred.	

2ND SCH. —*cont.*

Class or description of goods.	Rate of Duty.	Period during which duty charged.
Condensed Milk, whole—		
Not sweetened	6*s*. per cwt.	
Sweetened, or slightly sweetened	5*s*. per cwt.	
Milk Powder and other preserved milk excluding condensed milk—		
Not sweetened	6*s*. per cwt.	
Fresh or raw fruit:—		
Apples	4*s*. 6*d*. per cwt.	
Pears	4*s*. 6*d*. per cwt.	
Bananas	2*s*. 6*d*. per cwt.	
Oranges	3*s*. 6*d*. per cwt.	April 1 to November 30.
Grapefruit	5*s*. per cwt.	
Grapes other than hothouse	1½*d*. per lb.	February 1 to June 30.
Peaches and Nectarines	14*s*. per cwt.	December 1 to March 31.
Plums	9*s*. 4*d*. per cwt.	December 1 to March 31.
Preserved or dried fruits:—		
Apples preserved in syrup	3*s*. 6*d*. per cwt.	
Figs and fig cake, plums (commonly called french plums and prunelloes), plums not otherwise described, prunes and raisins	3*s*. 6*d*. per cwt.	
Other fruits (except stoned cherries) preserved in syrup	15 per cent.	
Honey	7*s*. per cwt.	
Linseed	10 per cent.	
Cod liver oil	1*s*. 4*d*. per gallon.	
Castor oil	15 per cent.	
Linseed oil	15 per cent.	
Coconut oil	15 per cent.	
Ground-nut oil	15 per cent.	
Rape oil	15 per cent.	
Sesamum oil	15 per cent.	
Chilled or frozen salmon	1½*d*. per lb.	
Copper, unwrought, whether refined or not, in ingots, bars, blocks, slabs, cakes, or rods	2*d*. per lb.	
Magnesium chloride	1*s*. per cwt.	

2nd Sch. —*cont.*

Part II.

Miscellaneous Provisions as to Duties.

1. In the case of goods of a class or description in relation to which a period is specified in the third column of Part I of this Schedule, the respective duties shall, instead of being charged continuously, be charged only from time to time for the period so specified.

2. Any period so specified shall be deemed to include both dates by reference to which it is defined.

3. References in the second column of Part I of this Schedule to a rate of duty of ten per cent. or a rate of duty of fifteen per cent. shall be construed as references to a rate of duty of ten or fifteen per cent., as the case may be, of the value of the goods.

4. For the purpose of Part I of this Schedule, the expression " great hundred " means one hundred and twenty.

5. Where apples imported into the United Kingdom are consigned direct to a registered cider factory, the Commissioners may, subject to such conditions as they may impose for securing that the apples are used for the making of cider in that factory, allow the apples to be imported free of any duty chargeable under section one of this Act.

The Commissioners, if it is shown to their satisfaction that any premises in the United Kingdom are occupied and used for the purpose of making cider, shall, on an application made to them in that behalf and on payment by the applicant of a fee of one pound, register those premises for the purposes of this paragraph as a cider factory, and the expression " registered cider factory " in this paragraph means premises so registered.

Part III.

Enactments Applied.

Enactment.	Subject Matter.
Import Duties Act, 1932—	
Section nine - -	Power of Board of Trade to require information.
Section ten - -	Prevention of disclosure of information.
Section eleven - -	Provision as to shipbuilding yards.
Section thirteen - -	Provision for importation free of duty of goods imported with a view to re-exportation.

2ND SCH. —*cont.*

Enactment.	Subject Matter.
Import Duties Act, 1932—*cont.*	
Section fourteen -	Provision as to re-importation of goods liable to duty under Act.
Section fifteen - -	Value of goods for purpose of Act.
Section sixteen - -	Determination of disputes as to value of goods.
Second Schedule -	Recommendation and allowance of drawback.
Finance Act, 1932—	
Section nine - -	Further provision for drawback of duties under Part I of the Import Duties Act, 1932.

The enactments set out in this Part of this Schedule shall have effect in relation to goods chargeable with a duty of customs under section one of this Act as they have effect in relation to goods chargeable with a duty of customs under the Import Duties Act, 1932, as if references to any duty chargeable under that Act or any provisions thereof included a reference to any duty chargeable under the said section one.

THIRD SCHEDULE.

Section 8.

AMENDMENTS OF 13 GEO. 5. C. 5.

PART I.

AMENDMENTS CONSEQUENTIAL ON EXTENSION OF SECTION ONE TO ALL CANADIAN CATTLE.

Provision amended.	Amendment.
Subsection (1) of section one	The word " store " shall be omitted, and the following proviso shall be inserted at the end of the subsection, viz. :— " Provided that the Minister may require any such cattle to be slaughtered as aforesaid if, in his opinion, they could be used for breeding, and are not suitable for that purpose."

3rd Sch.—*cont.*

Provision amended.	Amendment.
Subsection (8) of section one	The following words shall be substituted for the words from "store cattle" to the end of the subsection, viz.:— "'cattle' has the meaning assigned to it by subsection (1) of section fifty-nine of the principal Act as originally enacted."
Section two -	The following words shall be omitted, viz., the word "store," the words from "in the case of" to "therefrom, and if", and the words "other than tuberculosis."

Part II.

Minor Amendments of Subsection (2) of Section 1.

Provision amended.	Amendment.
Paragraph (*a*) - -	The word "indelibly" shall be omitted.
Paragraph (*c*) - -	In sub-paragraph (i) the words "one clear day" shall be substituted for "three clear days", and sub-paragraph (iv) shall be omitted.

CHAPTER 54.

An Act to provide that certain rules shall be complied with in determining the need of applicants for transitional payments under the Unemployment Insurance (National Economy) (No. 2) Order, 1931; and to enable the same rules to be observed in granting outdoor relief under the enactments relating to the poor law.

[17th November 1932.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Determination of need.

1.—(1) Notwithstanding anything in paragraph (4) of Article one of the Unemployment Insurance (National

Economy) (No. 2) Order, 1931, in determining any question arising under paragraph (2) of that Article, as to whether the circumstances of an applicant for transitional payments are such that, whilst unemployed, he is in need of assistance by way of such payments, the following rules shall be complied with, that is to say—

(*a*) any wounds or disability pension taken into account shall be treated as if it were reduced by one half;

(*b*) any weekly payment by way of compensation under the enactments relating to workmen's compensation taken into account shall be treated as if it were reduced by one half;

(*c*) all money and investments treated as capital assets and taken into account shall—

(i) in so far as the value of all such money and investments considered in the aggregate does not exceed twenty-five pounds, be disregarded; and

(ii) in so far as that value exceeds twenty-five pounds but does not exceed three hundred pounds, be treated as equivalent to a weekly income of one shilling for every complete twenty-five pounds;

(*d*) in taking into account the value to any person of any interest in the dwelling-house in which he resides, any sum which might be obtained by him by selling, or by borrowing money upon the security of, that interest shall be disregarded.

(2) It shall be lawful, in granting outdoor relief under the enactments relating to the poor law, to observe all or any of the rules required by the last foregoing subsection to be complied with in relation to transitional payments.

(3) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Dwelling-house" includes any yard, garden, out-house and appurtenances belonging thereto;

"Enactments relating to workmen's compensation" means the Workmen's Compensation Acts, 1925 to 1931, and the corresponding enactments in force in Northern Ireland;

"Investments" includes interests in land, except that, in relation to any dwelling-house, it does not include any interest which belongs to a person who is residing therein;

"Wounds or disability pension" means any retired pay or pension to which section sixteen of the Finance Act, 1919, applies.

9 & 10 Geo. 5. c. 32.

Short title, citation, duration and extent.

2.—(1) This Act may be cited as the Transitional Payments (Determination of Need) Act, 1932, and shall be included among the Acts which may be cited together as the Unemployment Insurance Acts, 1920 to 1932.

(2) This Act shall not extend to Northern Ireland.

(3) This Act shall continue in force as long as the Unemployment Insurance Act, 1930, remains in force and no longer.

20 & 21 Geo. 5. c. 16.

CHAPTER 55.

An Act to amend the law with respect to appeals from decisions of official referees, to amend in certain particulars the Supreme Court of Judicature (Consolidation) Act, 1925, and section thirty-eight of the Solicitors Act, 1932, and to make provision for the costs of applications under section eighty-four of the Law of Property Act, 1925. [17th November 1932.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Appeals from decisions of official referees.

1.—(1) As from the date on which this section comes into operation, the following provisions shall have effect with respect to appeals from decisions of official referees in causes, matters, questions and issues which have been ordered under section eighty-nine of the

Supreme Court of Judicature (Consolidation) Act, 1925 (in this Act referred to as "the principal Act"), to be tried before an official referee:—

15 & 16 Geo. 5. c. 49.

(*a*) An appeal shall lie to the Court of Appeal from any decision of an official referee on a point of law:

(*b*) Subject as aforesaid no decision of an official referee shall be called in question either by appeal or otherwise, and section ninety-four of the principal Act (which provides for the stating in the form of a special case of any question of law arising in the course of a reference) shall cease to have effect in relation to official referees.

(2) This section shall come into operation on such date as the Lord Chancellor may by order direct.

(3) Nothing in this section shall affect any appeal in respect of which notice of motion is served before the date on which this section comes into operation.

Power to grant probate or administration where no estate.

2.—(1) Notwithstanding anything in section twenty or any other of the provisions of the principal Act, the High Court shall have jurisdiction to make a grant of probate or administration in respect of a deceased person notwithstanding that the deceased person left no estate.

(2) In subsection (2) of section one hundred and fifty-six of the principal Act (which relates to calendars of grants made in Probate Registries) the words "if any" shall be added after the words "value of the estate."

Amendment of s. 152 of the principal Act.

3. The following paragraph shall be added at the end of subsection (3) of section one hundred and fifty-two of the principal Act (which provides for the filing in the principal probate registry of the notices of applications made in district probate registries for grants of probate or administration):

> "The President of the Probate Division may from time to time give directions for the disposal whether by destruction or otherwise, of such of the notices kept in the principal Probate Registry in pursuance of this subsection as have, in his opinion, ceased, owing to lapse of time, to be of any public value."

Amendment of s. 174 of the principal Act.

4. In subsection (1) of section one hundred and seventy-four of the principal Act (which makes provision with respect to the seal to be used in Probate Registries) the words " such seal or seals " shall be substituted for the words " such seal."

Amendment of 22 & 23 Geo 5. c. 37. s. 38.

5. Section thirty-eight of the Solicitors Act, 1932 (which gives to the Registrar of Solicitors and, on appeal, to the Master of the Rolls a discretion as to issuing a practising certificate in certain cases, including the case where a solicitor applies for a practising certificate having neglected so to do for twelve months after the expiration of the last certificate issued to him) shall have effect and shall be deemed always to have had effect as if for the words therein "having neglected so to do for twelve months" there were substituted the words "having neglected to obtain such a certificate within twelve months."

Costs of applications under 15 & 16 Geo. 5. c. 20. s. 84.

6. The following subsection shall be added at the end of section eighty-four of the Law of Property Act, 1925 (which gives the Authority, as defined in that section, power on application to discharge or modify restrictive covenants affecting land):—

> "(13) The costs of and incidental to every application to the Authority under this section shall be in the discretion of the Authority, who may direct by whom and to whom and in what manner the costs or any part thereof are to be paid, and may either tax the amount of the costs directed to be paid or direct in what manner they are to be taxed."

Short title.

7. This Act may be cited as the Administration of Justice Act, 1932.

TABLE II.

MEASURE PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND WHICH RECEIVED THE ROYAL ASSENT DURING THE SESSION.

[22 & 23 George 5.]

Royal Assent, 16th June, 1932.

No. 1. A Measure to establish Diocesan Boards of Patronage. (*Benefices (Diocesan Boards of Patronage).*)

MEASURE

PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND WHICH RECEIVED THE ROYAL ASSENT DURING THE YEAR 1932.

22 & 23 Geo. 5.

No. 1.

A MEASURE passed by the National Assembly of the Church of England.

To establish Diocesan Boards of Patronage.

[16th June 1932.]

Diocesan Boards of Patronage.

1.—(1) There shall be established in every diocese a Diocesan Board of Patronage consisting of—

(i) the bishop of the diocese, who shall be chairman of the Board;

(ii) three clerks in Holy Orders holding benefices in the diocese or the bishop's licence under seal elected by the Chamber of Clergy of the Diocesan Conference, provided that an archdeacon shall not be qualified to be an elected member of the Board;

(iii) five laymen elected by the Chamber of Laity of the Diocesan Conference; and

(iv) for the purpose of transacting any business relating to a particular benefice, the archdeacon and rural dean in whose archdeaconry and rural deanery respectively such benefice is situate.

(2) The election of the elected members of a Diocesan Board of Patronage shall be conducted upon the principle of proportional representation by the method of the single transferable vote under rules to be made from time to time by the Archbishop of the Province.

(3) The bishop may nominate any suffragan or assistant bishop of the diocese to act in his place on such occasions as he may determine as a member and as chairman of the Board.

(4) A Diocesan Board of Patronage shall be a body corporate by the name of the diocese in which it is established followed by the words "Diocesan Board of Patronage," and shall have perpetual succession and a common seal.

Powers of Diocesan Boards of Patronage.

2. A Diocesan Board of Patronage shall have power, without any licence in mortmain being required, to acquire, hold and transfer any right of patronage and to exercise any right of presentation or other right of a patron incident to a right of patronage held by the Board or conferred on the Board by any Measure or statute or otherwise:

Provided always that—

(*a*) no right of patronage shall be transferred by the Board of a diocese without the consent of the Parochial Church Council of the parish concerned, except in the event of such parish becoming part of another diocese, when the right of patronage may be transferred to the Diocesan Board of Patronage of such other diocese; and

(*b*) any affected transfer of a right of patronage not complying with the foregoing provisions shall be void.

Term of office, quorum, &c.

3.—(1) The elected members of a Diocesan Board of Patronage shall be elected in the first instance for such period not exceeding a period which expires four years after the passing of this Measure as the bishop of the diocese shall by writing under his hand determine, and thereafter in every third calendar year, retiring members being eligible for re-election. Unless previously resigning, or in the case of clerks in Holy Orders ceasing to be qualified in manner laid down by subsection (1) of section one of this Measure, elected members shall hold office until their successors are elected.

(2) Six members of the Board shall constitute a quorum unless the Diocesan Conference shall determine that some other number of members shall constitute a quorum.

(3) Subject to the provisions of this section, the powers of the Board may be exercised notwithstanding any vacancy in its membership.

(4) Every body having power to elect members of the Board shall have power to determine how casual vacancies occurring in the number of members elected by that body during their period of service may be filled.

(5) Every member of the Board elected to fill a casual vacancy shall serve for the unexpired period for which the member replaced would have served.

(6) Every determination of the Board upon the qualification for membership of any person claiming to be a member thereof shall be final and conclusive.

(7) The Board may make standing orders for the purpose of regulating the conduct of its business.

(8) The Board may appoint such officers as may be required and may determine their duties.

(9) A clerical member of the Board shall not take any part in any proceedings of the Board connected with the exercise of a right of presentation in favour of himself.

4. This Measure may be cited as the Benefices (Diocesan Boards of Patronage) Measure, 1932. Short title.

5. This Measure shall apply to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man. Extent.

TABLE III.

Showing the EFFECT of the LEGISLATION of the FIRST SESSION of the THIRTY-SIXTH PARLIAMENT of the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

(NOVEMBER 3, 1931—NOVEMBER 17, 1932)

FORMER ACTS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ENACTMENTS OF 22 & 23 GEO. 5.

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
1 Chas. 1:			
c. 1	Sunday Observance Act, 1625.	Modified	51, ss. 4, 5, 6 (3).
29 Chas. 2:			
c. 7	Sunday Observance Act, 1677.	Modified	51, ss. 4, 5, 6 (3).
6 Anne:			
c. 11	Union with Scotland Act, 1706.	S. 2, recited, Scots Act amended.	26, s. 5.
21 Geo. 3:			
c. 49	Sunday Observance Act, 1780.	Modified	51, ss. 4, 5, 6 (3).
4 Geo. 4:			
c. 76	Marriage Act, 1823	Applied (ss. 2, 6, 7, 10, 14, modified), s. 13 excluded.	31, s. 2 (1), sch. 1.
5 Geo. 4:			
c. 32	Marriage Act, 1824	Excluded	31, s. 2 (1), sch. 1, Part I.
6 & 7 Will. 4:			
c. 85	Marriage Act, 1836	Applied in part as modified	31, ss. 2 (1), 3 (1), schs. 1, 2.
c. 86	Births and Deaths Registration Act, 1836.	Applied (s. 42 modified), ss. 30–1, 33 excluded.	31, s. 2 (1), sch. 1.
7 Will. 4 & 1 Vict.:			
c. 22	Births and Deaths Registration Act, 1837.	Applied in part	31, s. 2 (1), sch. 1.
c. 41	Small Debt (Scotland) Act, 1837.	*See*	38, ss. 6–8, 10 (1), etc.

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
2 & 3 Vict. :			
c. 33	Solicitors (Clerks) Act, 1839.	S. 9 repealed	37, s. 82, sch. 4.
c. 71	Metropolitan Police Courts Act, 1839.	Excluded as to juvenile courts.	46, ss. 3 (1), 90 (3).
3 & 4 Vict. :			
c. 84	Metropolitan Police Courts Act, 1840.	Excluded as to juvenile courts.	46, ss. 3 (1), 90 (3).
6 & 7 Vict. :			
c. 73	Solicitors Act, 1843	Repealed	37, s. 82, sch. 4.
7 & 8 Vict. :			
c. 86	Solicitors (Clerks) Act, 1844.	S. 4 repealed	37, s. 82, sch. 4.
8 & 9 Vict. :			
c. 18	Lands Clauses Consolidation Act, 1845.	Incorporation of Act as modified.	48, s. 25 (2), sch. 3.
c. 19	Lands Clauses Consolidation (Scotland) Act, 1845.	Incorporation of Act as modified.	49, s. 25 (2), sch. 3.
c. 124	Leases Act, 1845	S. 3 saved	37, s. 70 (i).
15&16Vict.:			
c. 84	Metropolis Water Act, 1852.	S. 26 repealed	lxxxv, s. 16 (7).
16&17Vict.:			
c. 89	Universities (Scotland) Act, 1853.	Repealed so far as not already repealed.	26, s. 7, sch.
19&20Vict.:			
c. 119	Marriage and Registration Act, 1856.	Applied in part as modified	31, ss. 2 (1), 3 (1), schs. 1, 2.
20&21Vict.:			
c. 79	Probates and Letters of Administration Act (Ireland), 1857.	S. 94 restricted	11, s. 2.
21&22Vict.:			
c. 108	Matrimonial Causes Act, 1858.	S. 13 saved	37, s. 70 (ii).
22&23Vict.:			
c. 24	Universities (Scotland) Act, 1859.	Repealed so far as not already repealed.	26, s. 7, sch.
23&24Vict.:			
c. 127	Solicitors Act, 1860	Act repealed, except s. 22 in part and ss. 27, 34 and 35.	37, s. 82, sch. 4.
25&26Vict.:			
c. 18	Whipping Act, 1862.	As to male child—*see*	46, s. 15 (2).
28&29Vict.:			
c. 63	Colonial Laws Validity Act, 1865.	Excluded (Dominion laws)	4, ss. 1–3, 5–10.
30&31Vict.:			
c. 3	British North America Act, 1867 (as amended).	Saved (Statute of Westminster).	4, s. 7 (1).
31&32Vict.:			
c. 37	Documentary Evidence Act, 1868 (as amended).	Applied to Wheat Commission.	24, s. 5 (5).

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
32&33Vict.:			
c. 67 -	Valuation (Metropolis) Act, 1869.	Sch. 3—1928 amendment continued.	18, s. 1 (1).
33&34Vict.:			
c. 28 -	Attorneys and Solicitors Act, 1870.	Ss. 4–18 and in part s. 3 repealed as to England.	37, ss. 82, 83 (3), sch. 4.
c. 52 -	Extradition Act, 1870.	Sch. 1 extended (dangerous drugs offences).	39.
34&35Vict.:			
c. 36 -	Pensions Commutation Act, 1871.	Applied - - - -	25, s. 29.
c. 113 -	Metropolis Water Act, 1871.	Ss. 17–23, 25 repealed, 24 amended, "prescribed" extended.	lxxxv, s. 16 (7).
35&36Vict.:			
c. 62 -	Education (Scotland) Act, 1872.	Act saved and applied, s. 45 applied; s. 70 amended (juvenile courts jurisdiction).	47, ss. 1 (i) (ii), 56 (1), 76 (1) (4).
c. 81 -	Attorney and Solicitors Act (1860) Amendment Act, 1872.	Repealed - - - -	37, s. 82, sch. 4.
37&38Vict.:			
c. 68 -	Attorneys and Solicitors Act, 1874.	Repealed - - - -	37, s. 82, sch. 4.
38&39Vict.:			
c. 55 -	Public Health Act, 1875.	S. 249 saved - - -	37, s. 70 (iii).
		Ss. 175–8, 186 applied -	46, ss. 54 (3), 82 (5) (*b*), 90 (3); and *see* s. 82 (6) (*b*).
		Applied - - - -	48, ss. 25 (1), 38 (2) (3), 49 (1) (2) (*d*), 50 (6).
c. 79 -	Legal Practitioners Act, 1875.	Repealed - - - -	37, s. 82, sch. 4.
39&40Vict.:			
c. 36 -	Customs Consolidation Act, 1876.	Ss. 30–1 applied for purposes of—	
		Abnormal importations -	1, ss. 4, 7 (3) (expired).
		Horticultural products -	3, ss. 4, 6 (3) (temp.).
		Import Duties Act - -	8, s. 16.
		Isle of Man customs -	16, s. 8.
		S. 63 (as substituted by 42 & 43 Vict. c. 21, ss. 6, 14) excluded.	8, s. 14.
		Act applied and in part excluded, s. 139 modified (Wheat Act).	24, s. 6.
		S. 42 extended - -	53, s. 5 (5).
40&41Vict.:			
c. 2 -	Treasury Bills Act, 1877.	S. 6 excluded - - -	14, s. 3 (2); 50, s. 2 (2).
c. 25 -	Solicitors Act, 1877	Repealed - - - -	37, s. 82, sch. 4 (*see* s. 28 (1) (*d*)).
c. 62 -	Legal Practitioners Act, 1877.	Repealed - - - -	37, s. 82, sch. 4.

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
41&42Vict.:			
c. 76 -	Telegraph Act, 1878.	S. 7 " Act of Parliament " extended.	48, s. 45; 49, s. 44.
c. 78 -	Education (Scotland) Act, 1878.	Ss. 6–10, 12–3 repealed (prosp.).	47, ss. 82, 83 (3), sch. 4.
42&43Vict.:			
c. 6 -	District Auditors Act, 1879.	S. 2 (as amended) amended	25, ss. 30, 31 (3).
c. 21 -	Customs and Inland Revenue Act, 1879.	S. 6 excluded - - -	8, s. 14.
c. 34 -	Children's Dangerous Performances Act, 1879.	Repealed as to E. and S. (prosp.).	46, ss. 61, 88, 90 (2) (3), sch. 4; 47, ss. 55, 82, 83 (3), sch. 4.
c. 49 -	Summary Jurisdiction Act, 1879.	S. 10 substituted, ss. 11 (2), 17 (3) repealed in part, Act and s. 29 applied, s. 20 (8) excluded, power to modify Act by rules (prosp.).	46, ss. 5, 6, 8, 9 (5), 15–6, 88, 90 (3), sch. 4.
44&45Vict.:			
c. 44 -	Solicitors Remuneration Act, 1881.	Repealed as to England -	37, ss. 82, 83 (3), sch. 4.
c. 58 (as amended).	Army Act - -	Ss. 41 proviso (*b*), 156 (3), 174 (2), 179 (20), 190 (2) (25) omitted; ss. 18 (4), 44 (*g*) (*m*) (*mm*), 108A (5) (*c*), 174A, 185, 187A, 190 (23), (23A), (34), (35) (*a*)–(*c*) substituted; ss. 41A, 64 (3A), 68A, 126 (4), 133 (2), 175 (13), 176 (12), 179A (2) (*h*) (*i*), 179B, 187C, 190 (7A) (20A) (33A) added; ss. 4 (6), 6 (3) (*d*) (*e*), 7 (1)–(4), 11, 17, 23 (2), 24 (4), 32 (2), 40, 41, 44 provisos (2A) (3), 46 (9), 48 (8), 49 (2), 54 (1) (*d*) (3), 56 (1) (2) (6), 57 (2) (*b*), 57A (4), 60 (1), 68 (2), 73 (3), 74 (1), 83 (5), 84 (1), 91 (1) (4), 94, 102, 108A (1) (6) (*c*), 114 (1B), 115 (1) (3A) (7), 122 (6), 129, 137 (4), 140 (2), 143 (2), 145 (2), 163 (1) (*b*), 166 (5) (6), 167 (2), 174 (1), 182 (2) (*a*), 183 (2) (3) and (*b*), 189 (2) (6), 190 first line and paras. (4) (8) (24) (29) (37) (40A), and throughout Act words " His Majesty's regular forces " and " beyond the seas " amended; existing s. 179B and subs. of s. 114 renumbered.	22, ss. 4–9, 11–2, sch. 2.
c. 62 -	Veterinary Surgeons Act, 1881.	Irish Free State Agreement, *see*	10.

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
45&46Vict.:			
c. 44 -	Pensions Commutation Act, 1882.	Applied - - - -	25, s. 29.
c. 59 -	Educational Endowments (Scotland) Act, 1882.	Certain schemes under Act excluded.	26, s. 3.
c. 61 -	Bills of Exchange Act, 1882.	Ss. 76–82 (crossed cheques) applied.	44.
48&49Vict.:			
c. 8 -	Army (Annual) Act, 1885.	S. 8 repealed - - -	22, s. 15 (5), sch. 4.
50&51Vict.:			
c. 16 -	National Debt and Local Loans Act, 1887.	Applied (local loans) to British Honduras Loan.	17, s. 3 (2).
		Annual Public WorksLoans Act.	42.
51&52Vict.:			
c. 41 -	Local Government Act, 1888.	Ss. 64 (3), 65, 69, applied -	46, ss. 82 (5) (*a*) (6) (*a*), 90 (3).
c. 43 -	County Courts Act, 1888.	Ss. 126 applied, 120 restricted, 164 saved.	20, ss. 3, 5 (2).
		Ss. 41, 72, 118 saved - -	37, ss. 44 (1), 70 (iv).
c. 65 -	Solicitors Act, 1888	Repealed - - - -	37, s. 82, sch. 4.
52&53Vict.:			
c. 3 -	Army (Annual) Act, 1889.	S. 7 virt. repealed (new s. 174A).	22, s. 7.
c. 26 -	Small Debt (Amendment) (Scotland) Act, 1889.	*See* - - - - -	38, s. 7.
c. 49 -	Arbitration Act, 1889.	Excluded - - - -	(E.) 48, s. 40 (4).
c. 55 -	Universities (Scotland) Act, 1889.	S. 21, powers of University Court extended.	26, s. 2.
c. 63 -	Interpretation Act, 1889.	S. 18 (3), "colony" in future Acts not to include Dominion.	4, ss. 1, 11.
53&54Vict.:			
c. 4 -	Army (Annual) Act, 1890.	S. 9 (2) virt. repealed (new s. 190 (23)).	22, s. 9, sch. 2.
c. 27 -	Colonial Courts of Admiralty Act, 1890.	Ss. 4 and in part 7 excluded (Dominions).	4, ss. 1, 6, 10.
c. 37 -	Foreign Jurisdiction Act, 1890.	S. 5, sch. 1 extended (prosp.)	9, ss. 36 (2), 39 (1), 64 (2), 67 (1) (3).
54&55Vict.:			
c. 39 -	Stamp Act, 1891 -	S. 44 repealed as to England	37, ss. 82, 83 (3), sch. 4.
c. 66 -	Local Registration of Title (Ireland) Act, 1891.	S. 7 repealed - - -	11, s. 7.
c. 76 -	Public Health (London) Act, 1891.	S. 105 (2) extended - -	28, s. 1 (4) (*b*).
56&57Vict.:			
c. 12 -	Day Industrial Schools (Scotland) Act, 1893.	S. 4 am. (prosp.) - -	47, ss. 9, 83 (3); and *see* s. 1 (i) (ii).
c. 66 -	Rules Publication Act, 1893.	S. 1 excluded - - -	3, s. 1 (4); 24, s. 18 (3).
c. 73 -	Local Government Act, 1894.	Ss. 58 applied, 63 applicable.	48, ss. 3 (7), 36 (8), 58 (1).

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
57&58Vict.:			
c. 9	Solicitors Act, 1894	Repealed	37, s. 82, sch. 4.
c. 60	Merchant Shipping Act, 1894.	Ss. 735–6 restricted (Dominion Parliaments).	4, ss. 1, 5, 10.
		Ss. 272 (3) (*d*) (4) (*e*), 285 (2), 427 (2), 434 repealed as from commencement of Part I.; 437–45 repealed as from appointed day; ss. 272 (5), 430 (1) (*e*) added and 431, 436 (5) substituted (prosp.); ss. 267, 272 (1) (4) (*c*), 275 (1) (4), 436 (1) (3), 454 (1) (*a*) amended (prosp.); ss. 272–7, 279–82, 438, 459, 460 (2), 462 applied and 427, 446 (3), 724, 733 extended (prosp.); ss. 284, 290 (1) (*d*) (*f*), 363, 427–31, 436 (3), 459, 462, 680 excluded and s. 279 saved (prosp.).	9, ss. 1 (1) (3), 2, 3, 4, 5, 8, 9, 10, 15 (5), 17 (1) (*b*) (*c*), 18 (*a*) (*b*), 21 (3), 25 (4) (5), 28 (2) (3), 33, 35 (5), 38–9, 43 (2) (*c*) (4). 53 (5), 62, 67, 70–2, sch. 4.
58&59Vict.:			
c. 21	Seal Fisheries (North Pacific) Act, 1895.	Made permanent	2, s. 1, sch. 1.
c. 25	Mortgagees Legal Costs Act, 1895.	Repealed as to England	37, ss. 82, 83 (3), sch. 4.
59&60Vict.:			
c. 12	Derelict Vessels (Report) Act, 1896.	Repealed (prosp.)	9, ss. 24 (6), 39, sch. 4, Part I.
60&61Vict.:			
c. 38	Public Health (Scotland) Act, 1897.	Extended (expenses of town and county councils).	28, s. 3 (*b*).
		S. 187 applied	47, s. 48 (3).
		Applied (town planning)	49, ss. 25 (1), 37 (2), 48 (1).
c. 52	Dangerous Performances Act, 1897.	Repealed as to E. and S. (prosp.).	46, ss. 61, 88, 90 (2) (3), sch. 4; 47, ss. 55, 82, 83 (3), sch. 4.
61&62Vict.:			
c. 58	Marriage Act, 1898	Applied as modified	31, ss. 2 (4), 3 (1), sch. 2.
62&63Vict.:			
c. 3	Army (Annual) Act, 1899.	S. 5 virt. repealed (amdts. to ss. 57, 73 and 183).	22, s. 9, sch. 2.
c. 4	Solicitors Act, 1899	Repealed as to England	37, ss. 82, 83 (3), sch. 4.
c. 14	London Govern- Act, 1899.	S. 24 (3) repealed	37, s. 82, sch. 4.
63&64Vict.:			
c. 14	Colonial Solicitors Act, 1900.	Repealed as to England	37, ss. 82, 83 (3), sch. 4 (*see* s. 35).
c. 31	Isle of Man (Customs) Act, 1900.	Repealed	41, s. 14 (3), sch. 2.
1 Edw. 7:			
c. 9	Education (Scotland) Act, 1901.	S. 2 repealed (prosp.)	47, ss. 82, 83 (3), sch. 4.

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
3 Edw. 7:			
c. 14 -	Borough Funds Act, 1903.	S. 5 applied - - -	51, s. 1 (5), sch. para. 8.
c. 45 -	Employment of Children Act, 1903.	Repealed as to Scotland (prosp.)	47, ss. 55, 82, 83 (3), sch. 4.
4 Edw. 7:			
c. 5 -	Army (Annual) Act, 1904.	Ss. 14 repealed, 6 (2), 12 (*b*) virt. repealed (new s. 190 (23) (23A), s. 182 (2) amended).	22, ss. 9, 15 (5), schs. 2, 4.
c. 15 -	Prevention of Cruelty to Children Act, 1904.	Repealed as to Scotland (prosp.).	47, ss. 55, 82, 83 (3), sch. 4.
5 Edw. 7:			
c. 12 -	Churches (Scotland) Act, 1905.	S. 5 in part repealed, certain orders under Act excluded, order as to Assembly Records, &c., saved.	26, ss. 2 (5), 3, 7, sch.
6 Edw. 7:			
c. 2 -	Army (Annual) Act, 1906.	S. 7 (1) virt. repealed (new s. 44 (*m*)).	22, s. 9, sch. 2.
c. 16 -	Justices of the Peace Act, 1906.	S. 3 from " but " repealed as to England.	37, ss. 82, 83 (3). sch. 4 (*see* s. 54).
c. 24 -	Solicitors Act, 1906	Repealed - - - -	37, s. 82, sch. 4.
c. 48 -	Merchant Shipping Act, 1906.	Ss. 1, 7, 8, 10 repealed, 9 (1) amended, 4 excluded (prosp.).	9, ss. 5 (5), 21 (1), 39 (1), 67, sch. 4, Part II.
7 Edw. 7:			
c. 17 -	Probation of Offenders Act, 1907.	Extended, s. 6 (5) am., s. 2 (2) excluded (prosp.).	(E.) 46, ss. 17 (2), 78, 90 (2) (3). (S.) 47, ss. 12 (2), 72, 83 (3).
c. 29 (as amended).	Patents and Designs Act, 1907.	Ss. 6 (5), 40, 54 (1) (*a*), 74, 80, 84 (2) omitted; 4, 6 (3) (*b*), 11 (3), 12 (1) proviso and (2) (*b*), 18 (1) proviso, 20 (5) (6), 21 (5), 25 (2) (3), 32A, 36, 41, 58 (1), 77 (2) substituted; 2 (5), 3 (1)–(3), 5 (1), 6 (2)–(4), 7 (1) (2) (4) (5), 8 (1) (4), 9, 10, 11 (1) (2), 12 (2), 13, 15 (1) (2), 16 (2), 19 (2) (3), 21 (1), 24 (2)–(5), 26 (1), 27 (1) (2) (*a*) (3) (*d*) (8) (11), 27A (renumbered 83A), 30 (1) (5), 32, 33, 37, 38A (1), 43 (2), 46 (1), 49 (3), 53 (2) (3), 56 (1), 58 (2), 61, 68, 69 (1), 70, 71 (1) (2), 73A (2), 75, 76, 83, 84 (3), 85 (1), 86 (3), 91 (1) (*a*) (3) (*a*) (5), 92 (1), 93, 95, sch. 1 amended; ss. 3 (3) (4), 7 (5), 8A, 12 (2) (3) and para. (*d*) in former (2), 15 (3) (4), 19 (3), 24 (4) (7) (8), 27 (2) (*f*) (3) (*d*), 37 (2)–(5), 44A, 50 (2), 84 (4), 91 (2), 92A inserted (Nov. 1, 1932).*	32.

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* The references to subsections and paragraphs are subject to re-numbering *see* 22 & 23 Geo. 5. c. 32, s. 14 (2)).

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
7 Edw. 7 :			
c. 51	Sheriff Courts (Scotland) Act, 1907.	S. 46 in part repealed	38, ss. 7 (1), 10 (1).
8 Edw. 7 :			
c. 15	Costs in Criminal Cases Act, 1908.	Saved	37, s. 70 (v).
c. 59	Prevention of Crime Act, 1908.	S. 2 repealed as to E. and S. (prosp.).	46, ss. 88, 90 (2) (3), sch. 4; 47, ss. 82, 83 (3), sch. 4.
c. 63	Education (Scotland) Act, 1908.	Saved	47, s. 56 (1).
c. 65	Summary Jurisdiction (Scotland), Act, 1908.	Applied	47, s. 6 (5).
c. 67	Children Act, 1908	Ss. 12 (8), 18, 20–3, 25–6, 33–4, 38 (1), 44–93, 96, 99 (3), 107–8, 110–1, 118 (1) in part, 125 repealed, 1 (1)–(3), 4, 5, 8 (2) and in part 11 (1) substituted, 14 (3) added, 1 (4) (5) (7), 2 (2) (6), 3 (c), 9 (2), 12 (1) (4), 13, 14 (1), 15, 16 (1), 17, 19 (1) (*b*), 24 (1), 28–9, 30, 32 (1) (2), 40–1, 94–5, 97 (1) (2), 98 (1) (2), 102 (3), 103–4, 106, 109 (1)–(3), 118 (1), 120 (1) (3), 121 (1) (3)–(5), 123 (1) (2), 131 amended; Part I excluded, sch. 1 extended (prosp.) (E.).	46, ss. 19 (2), 36 (*b*), 37 (2), 38 (4) (5), 57 (1), 65–7, 69, 70 (2), 71–5, 77, 87 (1), 88, 90 (2) (3), schs. 2, 4.
		Ss. 12 (8), 18, 20–3, 25–6, 33–4, 38 (1), 44–93, 96, 99 (3), 107–8, 110, 111 as regards areas where s. 1 of 1932 Act applies, 118 (1) in part, 125, 132 (1), (13) proviso, (18), (21) repealed; 1 (1)–(3), 4, 5, 8 (2) and in part 11 (1) substituted, 14 (3), 17 (3) added, 1 (4) (5) (7), 2 (2) (6), 3 (c), 12 (1) (4), 13, 14 (1), 15, 16 (1), 17 (1) (2), 19 (1) (*b*), 24 (1), 32 (1) (2), 40–1, 94–5, 97 (1) (2), 98 (1) (2), 102 (3), 103–4, 106, 109 (1)–(3), 118 (1), 120 (1) (3), 121 (1) (3)–(5), 123 (1) (2), 131, 132 (9) (16) (17) amended, 19 (1) (*b*) applied, Part I excluded, sch. 1 extended (prosp.) (S.).	47, ss. 14 (2), 31 (*b*), 32 (2), 33 (4) (5), 51 (1), 59–61, 63–9, 71, 80 (1) (5) (6), 82, 83 (2) (3), schs. 2, 4.
9 Edw. 7 :			
c. 23	Board of Trade Act, 1909.	Repeal of 1826 enactment modified.	21.
c. 30	Cinematograph Act, 1909.	Sunday performances—*see*	51.

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
10 Edw. 7 & 1 Geo. 5:			
c. 25	Children Act (1908) Amendment Act, 1910.	S. 1 amended and from "and section eighteen" (on repeal of s. 18) virt. repealed (E. and S.) (prosp.).	46, ss. 72, 88, 90 (3), sch. 4; 47, ss. 66, 82, 83 (3), sch. 4.
1 & 2 Geo. 5:			
c. 46	Copyright Act, 1911	S. 15 (1) restricted (proviso, added by 1915 Act, repealed).	34.
c. 57	Maritime Conventions Act, 1911.	S. 6 saved	9, ss. 26 (7), 39 (1).
3 & 4 Geo. 5:			
c. 7	Children (Employment Abroad) Act, 1913.	Act. am., ss. 1 (2) substituted, s. 14, defn. of "police magistrate" repealed, 2 (5) (6) applied (E. S. and N.I.) (prosp.).	46, ss. 64, 88, 90 (2) (3), sch. 4; 47, ss. 58, 82, 83 (3), sch. 4.
c. 9	Herring Fishery (Branding) Act, 1913.	Act applied to N.I. as modified.	11, s. 8.
4 & 5 Geo. 5:			
c. 3	Grey Seals Protection Act, 1914.	Temporarily continued	2, ss. 2, 4 (2), sch. 2, Part I.
		Repealed save as to Northern Ireland.	23, s. 3 (2) (3).
c. 6	Affiliation Orders Act, 1914.	S. 1 excluded	46, ss. 33 (2) (*d*), 90 (3); and *see* s. 33 (4) proviso.
c. 50	Merchant Shipping (Convention) Act, 1914.	Repealed	9, s. 74, sch. 4, Part III.
c. 58	Criminal Justice Administration Act, 1914.	Section 10 (amdt. by N.I. Parliament): *see*	11, s. 1 (2).
		Ss. 30 applied and saved, 10 (1) (*b*) "conviction" amended, ss. 15 (3), and 11 (1) as to s. 2 of 1908 Act virt. repealed.	46, ss. 15 (2) (3), 22, 32 (4) (*b*), 33 (2) (*a*) (*d*), 90 (2) (3).
c. 59	Bankruptcy Act, 1914.	S. 34 saved	37, s. 24.
c. 78	Courts (Emergency Powers) Act, 1914.	Made permanent so far as relates to court orders before Aug. 31, 1922.	2, ss. 1, 4 (2), sch. 1.
5 & 6 Geo. 5:			
c. 38	Copyright (British Museum) Act, 1915.	Repealed with saving	34, s. 2 (2).
c. 61 (as amended).	Government of India Act.	Ss. 96B, etc. amended (temp. pay abatement).	7.
c. 93	War Loan (Supplemental Provisions) Act, 1915.	S. 5 extended (retrospectively) to Isle of Man.	25, s. 23.
6 & 7 Geo. 5:			
c. 12	Local Government (Emergency Provisions) Act, 1916.	S. 6, so far as conferring rights on officers, etc., of local authority in respect of service or employment in or about certain premises, made permanent.	2, s. 1, sch. 1.

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
7 & 8 Geo. 5:			
c. 51	Air Force (Constitution) Act, 1917.	S. 12 (4) (5) repealed	22, s. 15 (5), sch. 4.
	Air Force Act	Ss. 41 proviso (*b*), 156 (3), 174 (2), 190 (2) (25) omitted; ss. 18 (4), 44 (*g*) (*m*) (*mm*), 108A (5) (*c*), 174A, 185, 187A, 190 (23) (23A) (34) (35) (*a*)–(*c*) substituted; ss. 41A, 64 (3A), 68A, 126 (4), 133 (2), 175 (13), 176 (12), 179 proviso (*d*), 179A (2) (*i*) (*j*), 179B, 187C, 190 (20A) (33A) added; ss. 4 (6), 6 (3) (*d*) (*e*), 7 (1)–(4), 11, 17, 23 (2), 24 (4), 32 (2), 40–1, 44 proviso (3), 48 (8), 49 (2), 54 (1) (*d*) (3), 56 (1) (2) (6), 57A (4), 60 (1), 68 (2), 74 (1), 84 (1), 91 (1) (4), 94, 102, 108A (1) (6) (*c*), 114 (1B), 115 (1) (3A) (7), 122 (6), 129, 137 (4), 140 (2), 143 (2), 145 (2), 163 (1) (*b*), 166 (5) (6), 167 (2), 174 (1), 181 (6), 182 (2) (*a*), 183 (2) (3), 189 (2) (6), 190 first line and paras. (4) (8) (24) (29) (37) (40A) (45), and throughout Act words "beyond the seas" and "His Majesty's regular air force" amended; existing s. 179B and subss. of s. 114 renumbered.	22, ss. 4–10, 13–4, schs. 2, 3.
c. 64	Representation of the People Act, 1918.	S. 44 para. (8) repealed	11, s. 7.
8 & 9 Geo. 5:			
c. 25	War Loan Act, 1918	S. 2 (5), repealed words as to Isle of Man application —*see*	25, s. 23.
c. 34	Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	Temporarily continued as to tramways.	2, ss. 2 (3), 4 (2), sch. 2, Part III.
c. 40	Income Tax Act, 1918.	S. 14 (3) "earned income," s. 32, Schedule E. extended; Schedule E "annuity" and "pension" explained: Rule 6 of Rules applicable to Cases I and II of Schedule D, deduction increased.	25, ss. 17 (1)–(3), 18 (1), 20.
c. 48	Education (Scotland) Act, 1918.	Ss. 16, 19, sch. 5, paras. 2, 4 repealed, Act saved (prosp.).	47, ss. 56 (1), 82, 83 (3), sch. 4; and *see* s. 76 (1).
c. 57	War Pensions Act, 1918.	S. 9 (4) extended	(E.) 46, ss. 26, 90 (2) (3); (S.) 47, ss. 21, 83(3).

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
9 & 10 Geo. 5: c. 32	Finance Act, 1919	S. 8 applied	1, ss. 2 (2), 7 (3) (expired); 3, ss. 2 (3), 6 (3) (temp.).
		S. 8, as modified, applied	8, s. 6, sch. 3, Part I; 16, s. 4, sch. 2, Part I.
		S. 8, sch. 2 (as amended by 15 & 16 Geo. 5. c. 36, s. 8, sch. 3 and further by 18 & 19 Geo. 5. c. 17, s. 4, sch. 2) amended as to colonial sugar.	25, s. 2, sch. 1.
c. 37	War Loan Act, 1919.	S. 1 (1) extended	25, s. 24 (5).
c. 38	Merchant Shipping (Wireless Telegraphy) Act, 1919.	Act excluded, ss. 1 (2) extended, 3 (2) "passengers" explained (prosp.): ss. 1 (2) (4) (5), 3 (2) repealed in part.	9, ss. 6, 7 (1) (4), 19 (1) (*a*), 33, 38, 39 (1), 73 (4), 74, sch. 4, Part III.
c. 56	Solicitors Act, 1919	Repealed	37, s. 82, sch. 4.
c. 57	Acquisition of Land (Assessment of Compensation) Act, 1919.	Applied (town planning)	(E.) 48, ss. 10 (6), 23, 25 (2), sch. 3; (S.) 49, ss. 10 (6), 23, 25 (2), sch. 3.
c. 71	Sex Disqualification (Removal) Act, 1919.	S. 2 repealed (E.)	37, ss. 82, 83 (3), sch. 4.
10 & 11 Geo. 5: c. 7	Army and Air Force (Annual) Act, 1920.	Ss. 27 repealed, 12 (1) (*a*) virt. repealed (new s. 44 (*mm*)).	22, ss. 9, 10, 15 (5), schs. 2, 4.
c. 17	Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	Temporarily continued	2, s. 2 (2), sch. 2, Part II.
c. 18	Finance Act, 1920	Schedule 2 para. 1 amended	25, s. 13.
c. 30	Unemployment Insurance Act, 1930.	Payments and need—*see*	54.
c. 46	Dangerous Drugs Act, 1920.	Ss. 8 (1) substituted, 8 (2) amended: power to apply Part III (prosp.).	15, ss. 1, 2, 4, 5 (2) (3).
c. 67	Government of Ireland Act, 1920.	Ss. 4 (1), 6 (1), 47, legislative powers enlarged.	11, ss. 1, 3, 6, 9.
		S. 4 (7) amended (powers to prohibit import of musk rat, &c.).	12, s. 12 (2).
c. 68	Juvenile Courts (Metropolis) Act, 1920.	Repealed (prosp.)	46, ss. 88, 90 (3), sch. 4.
c. 77	Dyestuffs (Import Regulation) Act, 1920.	Temporarily continued	2, s. 2 (1), sch. 2, Part I.
11 & 12 Geo. 5: c. 4	Children Act, 1921	Repealed as to E. and S. (prosp.).	46, ss. 88, 90 (2) (3), sch. 4; 47, ss. 82, 83 (2) (3), sch. 4.

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
11 & 12 Geo. 5:			
c. 7	Tribunals of Inquiry (Evidence) Act, 1921.	Applicable by regs. under Wheat Act.	24, s. 12 (1) (*e*).
c. 9	Army and Air Force (Annual) Act, 1921.	S. 5 virt. repealed (new s. 18 (4)).	22, ss. 9, 14, schs. 2, Part III, 3.
c. 32	Finance Act, 1921	S. 61 (1) amended, (2) saved S. 60 repealed (E.)	25, s. 30. 37, ss. 82, 83 (3), sch. 4.
c. 51	Education Act, 1921	Ss. 89–92, 96 (1) in part, 96 (3) (4), 100–6, 108 (1) in part and (2) repealed, ss. 44–5 am. (prosp.), Part IV and ss. 4, 93–5 saved, expenses provisions applied (prosp.).	46, ss. 1 (5), 12, 61, 62 (1), 82 (3) (7), 88–9, 90 (2) (3), schs. 3, 4.
12 & 13 Geo. 5:			
c. 16	Law of Property Act, 1922.	S. 139 and sch. 14 paras. 3, 4 saved.	37, s. 70 (vi).
c. 17	Finance Act, 1922	S. 14 restricted	25, s. 14.
c. 27	Canals (Continuance of Charging Powers) Act, 1922.	Temporarily continued	2, ss. 2 (3), 4 (2), sch. 2, Part III.
c. 56	Criminal Law Amendment Act, 1922.	S. 4 extended (Scotland)	47, s. 66.
c. 57	Solicitors Act, 1922	Repealed	37, s. 82, sch. 4.
13 Geo. 5. sess. 2:			
c. 1	Irish Free State Constitution Act, 1922.	Excluded	10, sch. para. 2.
c. 2	Irish Free State (Consequential Provisions) Act, 1922.	Excluded	10, sch. para. 2.
c. 5	Importation of Animals Act, 1922.	Ss. 1 (1) (2) (*a*) (*c*) (8), 2 am., 1 extended.	53, s. 8, sch. 3.
13 & 14 Geo. 5:			
c. 3	Army and Air Force (Annual) Act, 1923.	S. 15 virt. repealed (new s. 187A).	22, ss. 9, 10, sch. 2.
c. 5	Dangerous Drugs and Poisons (Amendment) Act, 1923.	S. 6 (2) amended (prosp.)	15, ss. 3, 5 (2) (3).
c. 14	Finance Act, 1923	S. 17 (1) "annuity" and "pension" explained.	25, s. 17 (2).
14 & 15 Geo. 5.:			
c. 5	Army and Air Force (Annual) Act, 1924.	S. 10 virt. repealed (new s. 174A).	22, ss. 7, 10.

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
14 & 15 Geo. 5:			
c. 21	Finance Act, 1924	S. 14 (as amended by 15 & 16 Geo. 5. c. 36, s. 12) extended, s. 5, sch. 1 superseded in part.	25, ss. 1 (3), 3, 4.
		S. 3 (4), rates of drawback—*see*	53, s. 4 (3).
c. 24	Isle of Man (Customs) Act, 1924.	S. 4 continued	41, ss. 11, 14 (2) (*e*).
c. 38	National Health Insurance Act, 1924.	S. 3 (3) amended and financial provision made.	6.
		S. 88 (joint committee's powers)—*see*	11, s. 4.
		S. 15 (2), s. 7 defn. of "contribution year" repealed, s. 3 (4) am. and prosp. repealed; ss. 3 (6), 7 (4), 15 (4), 132 (1A) substituted; s. 3 (1A) (5A) (6A) (6B) (9) added; ss. 3 (1) (3) (5), 13 (2), 15 (1) (*a*), 43 (1) (*c*), 46, 66, 75 (1), 132 (1) amended; 43 (2) extended.	52.
15 & 16 Geo. 5.:			
c. 14	Housing Act, 1925	Applied	48, s. 35 (5).
c. 15	Housing (Scotland) Act, 1925.	Applied, ss. 50–1, sch. 3 applied.	47, s. 76 (5).
		Applied	49, s. 34 (5).
c. 16	Town Planning Act, 1925.	Repealed	48, ss. 54, 58, sch. 5.
c. 17	Town Planning (Scotland) Act, 1925.	Repealed	49, ss. 53, 55, sch. 5.
c. 18	Settled Land Act, 1925.	S. 36 (6) amended	27, s. 1.
		Ss. 71, 73 (1) (xiii), 88—*see*	35, s. 3.
c. 20	Law of Property Act, 1925.	Ss. 35 amended, 1 (2) (*b*) rent charge in possession explained.	27, ss. 1, 2.
		S. 84 (13) added	55, s. 6.
c. 21	Land Registration Act, 1925.	Ss. 118, 146 repealed, 144 saved.	37, ss. 70 (vii), 82, sch. 4 (*see* ss. 48, 56 (2)).
c. 25	Army and Air Force (Annual) Act, 1925.	Ss. 14 repealed, 5 (3) virt. repealed (new s. 18 (4)).	22, ss. 9, 14, 15 (5), schs. 2, Part III, 3, 4.
c. 36	Finance Act, 1925	Ss. 8 (3) amended, 8 (2) superseded; s. 12 (as amending s. 14 of 1924 Act) extended; s. 4, sch. 2, duties increased; sch. 2, Part II, excluded, Part III, applied as modified.	25, ss. 1 (3), 3–5.
c. 37	Merchant Shipping (Equivalent Provisions) Act, 1925.	Excluded	9, ss. 21 (2), 39 (1), 55, 66, 67 (1) (3).
c. 39	Agricultural Returns Act, 1925.	S. 1 (2) (4) excluded	24, s. 11 (3).

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
15 & 16 Geo. 5:			
c. 45 -	Guardianship of Infants Act, 1925.	Ss. 5 (4), 6 extended; "maintenance" to include education.	(E.) 46, ss. 79, 90 (2) (3). (S.) 47, ss. 73, 83 (3).
c. 49 -	Supreme Court of Judicature (Consolidation) Act, 1925.	Ss. 215 (2) (3), 216 (1) (*b*) repealed, 120 saved.	37, ss. 44 (1), 82, sch. 4.
		Ss. 152 (3), 156 (2), 174 (1) am., 20 extended, 94 as to official referees excluded.	55, ss. 1–4.
c. 56 -	Isle of Man (Customs) Act, 1925.	Ss. 7 am. and continued, 5, 6 (as am.) continued, 7 (2) and Part II of Schedule applied.	41, ss. 9, 11, 14 (2) (*e*), sch. 1.
c. 70 -	Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	Reciprocity between N.I. and oversea dominions, —*see*	11, s. 4.
		Am., s. 44 defn. of "contribution year" and 44 (7) repealed.	52, ss. 6 (4), 9, 10–1.
c. 74 -	Dangerous Drugs Act, 1925.	Ss. 3, 6 repealed (prosp.) -	15, s. 5.
c. 86 -	Criminal Justice Act, 1925.	S. 30 virt. repealed - -	9, ss. 67, 72, sch. 4, Part II.
		Ss. 10 "probation order" extended, 24 (4) am.	46, ss. 13 (3), 70 (2), 90 (3).
c. 90 -	Rating and Valuation Act, 1925.	S. 11 and sch. 2, 1928 amdts. continued.	18, s. 1 (1) (2).
		S. 40 (1) amended - -	33.
16 & 17 Geo. 5:			
c. 6 -	Army and Air Force (Annual) Act, 1926.	S. 4 virt. repealed (new s. 18 (4)).	22, ss. 9, 14, schs. 2, Part III, 3.
c. 9 -	National Health Insurance Act, 1926 (Part I of the Economy (Misc. Provisions) Act, 1926).	Ss. 3 (3) (4), 4 with saving, repealed; 3 (1) (2) amended.	52, ss. 7, 8, 11, sch. 2.
c. 22 -	Finance Act, 1926	S. 8 declared to apply to Import Duties Act customs duties.	8, s. 20.
		Ss. 5 (2) repealed, 33 extended, 5 (1) duty increased.	25, ss. 5, 6, 19.
		S. 7 (1) (tobacco) extended.	53, ss. 4 (1), 14 (3) (*b*).
c. 27 -	Isle of Man (Customs) Act, 1926.	S. 11 declared to apply to ad valorem duty.	16, ss. 10, 22 (*a*).
		Ss. 8 (2) repealed, 6 continued, 8 amended and continued.	41, ss. 9, 11, 14 (2) (*e*) (3), schs. 1, 2.
c. 45 -	Fertilisers and Feeding Stuffs Act, 1926.	Schedules 1–5 varied by regulations under s. 23 (1) (*a*): *see* S. R. & O. 1932, No. 658.	
c. 47 -	Rating (Scotland) Act, 1926.	Sch. 2 applied - -	49, s. 50 (3).

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
17 & 18 Geo. 5:			
c. 10	Finance Act, 1927	S. 5, sch. 1, duty amended	53, s. 3.
c. 20	Isle of Man (Customs) Act, 1927.	Ss. 14 repealed, 1, 7 continued.	41, ss. 10, 11, 14, sch. 2.
c. 23	Crown Lands Act, 1927.	S. 12 repealed as to E.	48, ss. 33 (2), 54, 58 (1), sch. 5.
		S. 12 repealed as to S., s. 25 (*c*) virt. repealed.	49, ss. 32 (2), 53, sch. 5.
c. 30	Unemployment Insurance Act, 1927.	S. 14 (2) amended	19.
		S. 14 (transitional payments) as am.—*see*	54.
c. 42	Statute Law Revision Act, 1927.	Schedule, as to 8 & 9 Geo. 5. c. 25, s. 2 (5)—*see*	25, s. 23.
18 & 19 Geo. 5:			
c. 8	Rating and Valuation Act, 1928.	Ss. 2 (1) (3), 3 (1) amended	18.
c. 13	Currency and Bank Notes Act, 1928.	S. 3 "securities" explained.	25, s. 25 (7).
c. 17	Finance Act, 1928	Ss. 4 (2) (3), 19, sch. 2 amended.	25, ss. 2, 4, 19.
c. 22	Solicitors Act, 1928	Repealed	37, s. 82, sch. 4.
c. 24	Northern Ireland (Miscellaneous Provisions) Act, 1928.	S. 2 (2) repealed, (3) extended.	11, ss. 3, 9.
c. 30	Educational Endowments (Scotland) Act, 1928.	S. 40 amended (duration of Commrs.' powers extended), s. 1 (2) applied.	5.
c. 38	Isle of Man (Customs) Act, 1928.	Ss. 8, 14, 17 continued	41, ss. 11, 14 (2) (*e*).
c. 43	Agricultural Credits Act, 1928.	Deficiency payments under Wheat Act not proceeds of sale under Part III.	24, s. 13 (1).
		Mortgages for securing loans made by company formed under Part I.	35.
19 & 20 Geo. 5:			
c. 17	Local Government Act, 1929.	Ss. 40–5 repealed, 126, sch. 8 applied, ss. 113–8 applicable.	48, ss. 2 (2), 51 (3) (4), 54, 58 (1), sch. 5.
c. 21	Finance Act, 1929	S. 5 spent (customs duty reimposed), s. 29 (application of s. 33 of 1926 Act) saved.	25, ss. 1, 19 (1) (*a*).
c. 25	Local Government (Scotland) Act, 1929.	S. 23 applied	28, s. 3 (*b*).
		S. 23 applied	47, s. 76 (4).
		Ss. 23 extended, 7 (1) (*i*) applied.	49, ss. 48 (2), 50 (3).
20 & 21 Geo. 5:			
c. 1	Isle of Man (Customs) Act, 1929.	Ss. 2, 3 continued	41, ss. 11, 14 (2) (*e*).
c. 17	Poor Law Act, 1930.	Expenses provisions applied, s. 19 orders saved.	46, ss. 34 (4), 82 (4) (*a*), 90 (3).
		S. 45, &c. (outdoor relief) —*see*	54, ss. 1 (1), 2 (3).

Session and Chapter.	Short Title.	How affected.	Chapter of 22 & 23 Geo. 5.
20 & 21 Geo. 5:			
c. 21	Children (Employment Abroad) Act, 1930.	S. 1 as to s. 20 (now repealed) of 1908 Act virt. repealed (E. and S.) (prosp.).	46, ss. 88, 90 (2) (3), sch. 4; 47, ss. 82, 83 (3), sch. 4.
c. 34	Coal Mines Act, 1930.	Part I continued, s. 10 amended.	29, s. 1 (1).
c. 37	Adoption of Children (Scotland) Act, 1930.	Applied (powers of juvenile courts).	47, s. 1 (5) (6).
c. 39	Housing Act, 1930	S. 16 (5) (i) omitted, (iii) amended.	lxx, s. 13.
c. 42	Isle of Man (Customs) Act, 1930.	S. 4 (hydrocarbon oils) amended. S. 2 continued	16, ss. 20, 22 (*a*). 41, ss. 11, 14 (2) (*e*).
c. 44	Land Drainage Act, 1930.	S. 76 (2) (3), sch. 6 repealed	xxxvii, s. 6, sch. 1.
c. 45	Criminal Appeal (Northern Ireland) Act, 1930.	S. 19, power of N.I. Parliament to amend—*see*	11, s. 1 (2).
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c. 27	Coal Mines Act, 1931.	S. 1 continued and amended.	29, s. 1 (2).
c. 28	Finance Act, 1931	S. 4 superseded on further substitution, ss. 10, 32, 36 (2) amended, Part III suspended, 36 extended.	25, ss. 13, 27, 28 (4), 31 (3).
c. 30	Probation of Offenders (Scotland) Act, 1931.	Extended	47, s. 10 (3).
c. 34	Isle of Man (Customs) Act, 1931.	S. 2 as to translucent or vitrified pottery repealed.	41, s. 14 (3), sch. 2.
c. 42	Agricultural Marketing Act, 1931.	Power to transfer to board certain functions of Wheat Commission.	24, s. 17 (1).
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c. 49	Finance (No. 2) Act, 1931.	S. 21 (1) amended	25, s. 21.
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c. 52	Sunday Performances (Temporary Regulation) Act, 1931.	Repealed	51, s. 6 (2).
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HORTICULTURAL PRODUCTS (EMERGENCY CUSTOMS DUTIES) : an Act to make provision for the imposition of duties of Customs on certain descriptions of fresh fruit, fresh vegetables, flowers, bulbs, plants and foliage, and for purposes connected therewith (*temporary*). Ch. 3. p. 9.
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IMPORT DUTIES ACT : to provide for the imposition of a general ad valorem duty of customs and of additional duties on any goods chargeable with the duty aforesaid, for the imposition of duties on goods produced or manufactured in a foreign country which discriminates in the matter of importation as against goods produced or manufactured in the United Kingdom, in certain other parts of His Majesty's dominions, in protectorates or in mandated territories, and for purposes connected with the matters aforesaid. Ch. 8. p. 21.

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IRISH FREE STATE (SPECIAL DUTIES): an Act to provide for the imposition of customs duties on goods imported directly or indirectly from the Irish Free State with a view to making good any loss incurred by, or any additional charge imposed on, any public fund of the United Kingdom by reason of any failure of the Government of the Irish Free State to implement their obligations, and for purposes connected with the matters aforesaid. Ch. 30. p. 396.

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1931–32

THE
LOCAL AND PRIVATE ACTS

Passed in the Twenty-second and Twenty-third
Years of the Reign of
His Majesty

King George the Fifth

In the First Session of the Thirty-sixth
Parliament of the United Kingdom of
Great Britain and Northern Ireland

WITH AN INDEX

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P. iii. An Act to confirm a Provisional Order of the Minister of Health relating to the borough of Maidstone. (*Ministry of Health Provisional Order Confirmation* (*Maidstone Extension*).)

P. iv. An Act to confirm a Provisional Order of the Minister of Health relating to Sittingbourne and Milton. (*Ministry of Health Provisional Order Confirmation* (*Sittingbourne and Milton*).)

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P. **vii.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh Corporation. (*Edinburgh Corporation Order Confirmation.*)

P. **viii.** An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Edinburgh Corporation (Sheriff Court House &c.). (*Edinburgh Corporation* (*Sheriff Court House &c.*) *Order Confirmation.*)

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P. **ix.** An Act to confirm certain Provisional Orders of the Minister of Health relating to Margate and Yeovil. (*Ministry of Health Provisional Orders Confirmation* (*Margate and Yeovil*).)

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xii. An Act to confer further powers on the South Wales Electrical Power Distribution Company to change their name to reorganise increase define and regulate their capital and borrowing powers and for other purposes. (*South Wales Electric Power.*)

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lxx. An Act to confer further powers upon the London County Council and other authorities and for other purposes. (*London County Council* (*General Powers*).)

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lxxii. An Act to regulate the expenditure on capital account and lending of money by the London County Council during the financial period from the first day of April one thousand nine hundred and thirty-two to the thirtieth day of September one thousand nine hundred and thirty-three and for other purposes. (*London County Council* (*Money*).)

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OF

22 & 23 Geo. 5.—A.D. 1931–32.

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